

# Index

**ABANDONMENT OR EARLY TERMINATION**  
Generally, **10:103-10:107**  
Bankruptcy, abandonment of estate property, **20:276**  
Government subsidized housing, New York State programs, **19:222**  
**Lofts, 18:171-18:173**  
Mitigation of damages, **10:105-10:107**  
Possession of property, constructive eviction, **8:36**

**ABATEMENT OF RENT**  
Article 7-A proceedings, **16:120**  
**Nonpayment Proceedings** (this index)  
**Rent Strikes** (this index)  
Warranty of habitability, **8:31, 9:107, 14:396**

**ACCELERATION OF PAYMENT**  
**Rent and Other Charges** (this index)

**ACCESS**  
Lease agreements, **4:198-4:200**  
**Lofts** (this index)  
Manufactured home parks, **2:157, 4:200**  
Premises liability, security against crime, **12:28**  
Rent control and rent stabilization, **11:398, 11:446**  
**Termination of Lease** (this index)

**ACCORD AND SATISFACTION**  
Nonpayment proceedings, **14:364, 14:365**  
Security deposits, **7:28**

**ACCOUNTING**  
Rent strikes, **16:35-16:37**

**ACCOUNT STATED**  
Attorneys' fees and costs, **1:110**

**ACQUIRED IMMUNE DEFICIENCY SYNDROME**  
**AIDS** (this index)

**ADA**  
**Americans With Disabilities Act**  
(this index)

**ADIRONDACK PARK ACT**  
Environmental liability, **12:158**

**ADJOINING SPACE**  
Description of premises, **4:50-4:53**

**ADJOURNMENTS**  
Article 7-A proceedings, **16:100**  
Nonpayment proceedings, hearing and trial, **14:453-14:456**

**ADMINISTRATIVE PROCEEDINGS**  
Generally, **17:1-17:181**  
Attorney General, commencement of proceeding before Division of Housing and Community Renewal, **17:4**  
Best evidence rule, **17:34**  
Burden of proof, **17:35**  
Commencement of adjudicatory proceeding, **17:1-17:4**  
Complete record, **17:24-17:26**  
Conflicting evidence, **17:37**  
Deference to agency interpretation, **17:21**  
Discretionary hearings before Division of Housing and Community Renewal, **17:19**  
Division of Housing and Community Renewal, commencement of proceeding before, **17:2-17:4**  
Due process, **17:14**  
Evidence generally, **17:23-17:42**

**ADMINISTRATIVE PROCEEDINGS—Cont'd**  
Evidence—Cont'd  
best evidence rule, **17:34**  
burden of proof, **17:35**  
complete record, **17:24-17:26**  
conflicting evidence, **17:37**  
firsthand knowledge, agency witnesses must have, **17:40**  
hearing officer must review all evidence, **17:39-17:41**  
hearsay evidence, **17:30-17:33**  
inadequate record annuls agency decision, **17:26**  
inferences, **17:38**  
presumption of validity, **17:42**  
substantial evidence, **17:28, 17:29, 17:32**  
technical rules of evidence, **17:27**  
unsworn hearsay documentation, **17:33**  
weight and sufficiency, **17:36-17:38**  
Fair trial requirement, **17:13**  
Federal regulation, exceptions, **17:176**  
Final opportunity to be heard, **17:44**  
Firsthand knowledge, agency witnesses must have, **17:40**  
Full and fair opportunity to contest prior decision, res judicata, **17:50**  
Hearing officer must review all evidence, **17:39-17:41**  
Hearings  
generally, **17:11-17:19**  
discretionary hearings before Division of Housing and Community Renewal, **17:19**  
due process, **17:14**  
fair trial requirement, **17:13**  
informal hearing, **17:12-17:14**  
minimum standards, **17:15-17:17**  
notice, **17:6**  
prejudice to party, divestiture of jurisdiction, **17:16**  
reasonable time requirement, **17:17**

**ADMINISTRATIVE PROCEEDINGS—Cont'd**  
Hearings—Cont'd  
record, insufficiency for failure to conduct hearing, **17:18**  
Hearsay evidence, **17:30-17:33**  
Inferences, **17:38**  
Informal hearing, **17:12-17:14**  
Notice  
generally, **17:5-17:10**  
Division of Housing and Community Renewal proceedings, **17:8-17:10**  
hearing, **17:6**  
local rent administrator, actions by, **17:10**  
service of notice, **17:7**  
time to answer, Division of Housing and Community Renewal proceedings, **17:9**  
Opportunity to be heard, **17:43-17:45**  
**Petition for Administrative Review**  
(this index)  
Prejudice to party, divestiture of jurisdiction, **17:16**  
Presumption of validity, **17:42**  
Record, insufficiency for failure to conduct hearing, **17:18**  
Relation back to original complaint, res judicata, **17:48**  
Res judicata  
generally, **17:46-17:50**  
administrative determination binding on agency, **17:47**  
full and fair opportunity to contest prior decision, **17:50**  
participants in dispute, impact not limited to, **17:49**  
relation back to original complaint, **17:48**  
Service of notice, **17:7**  
Standard of review, **17:20-17:22**  
Substantial evidence, **17:28, 17:29, 17:32**  
Technical rules of evidence, **17:27**  
Time to answer, Division of Housing and Community Renewal proceedings, **17:9**

## INDEX

**ADMINISTRATIVE PROCEEDINGS—Cont'd**  
Unsworn hearsay documentation, **17:33**

**ADULT CARE FACILITIES, SENIOR CITIZENS ENTERING**  
Generally, **2:171, 2:174, 3:99-3:101, 13:154-13:157**  
Penalties for interference by landlord, **13:156**  
Procedure for termination of lease, **13:155**  
Waiver of statutory protection, **13:157**

**ADVANCE PAYMENT**  
Rent and other charges, **6:6**

**ADVERTISING**  
Fair Housing Act, **5:31**  
Human Rights Law (NY), **5:78**  
Human Rights Law (NYC), **5:114**

**ADVISORY OPINIONS**  
Rent control and rent stabilization, **11:500**

**AGE DISCRIMINATION**  
Generally, **5:161-5:168**  
**Discrimination** (this index)  
Eviction of elderly persons, **5:164-5:167**  
Human Rights Law (NY), **5:88**  
Nursing homes, residence in, **5:166, 5:167**  
Religious exemption from fair housing rules, **5:168**  
Rent regulation, **5:165, 5:166**  
Senior housing exemptions, **5:162, 5:163**

**AGENTS**  
Lease agreements, **4:45**  
Parties to lease agreements, **4:39**  
Termination of lease, **13:9, 13:10, 17:53**

**AGGRIEVED PERSONS**  
Petition for administrative review, **17:53**

**AGREEMENTS**  
**Contracts and Agreements** (this index)

**AIDS**  
Disabled persons, discrimination against, **5:178, 5:183**  
Premises liability, failure to disclose that owner or former occupant infected with, **12:208**

**AIR CONDITIONERS AND AIR CONDITIONING**  
Rent control and rent stabilization, **11:248-11:251**  
Warranty of habitability, **9:35**

**AIR POLLUTION PREVENTION AND CONTROL ACT**  
Generally, **12:139-12:141**  
Hazardous air pollutants, defined, **12:140**  
Strict liability, **12:141**

**AMENDMENTS**  
Lease agreements, **4:187, 4:188**  
Lofts, **18:28, 18:29, 18:79**

**AMERICANS WITH DISABILITIES ACT**  
Generally, **5:60 et seq.**  
Condition of premises, inspections, **4:166**  
Dormitories as public accommodations, **5:63**  
Halfway houses, **5:64**  
Homeless shelters, **5:64**  
Hotels, **5:65**  
Inns, **5:65**  
Motels, **5:65**  
Notice disclosing tenant's rights to reasonable accommodations, **4:359**  
Public accommodations, **5:61 et seq.**  
Rehabilitation Act, compared, **5:59**  
Remedies. **Discrimination** (this index)  
**Rent and Other Charges** (this index)  
Residential apartments, **5:62**  
Rooming houses, exemption of, **5:66**

**AMOUNT OF RENT**

**Rent and Other Charges** (this index)

**ANCESTRY DISCRIMINATION**

**Nation Origin or Ancestry Discrimination** (this index)

**ANCILLARY RELIEF**

Article 78 proceedings, **17:170**

**ANCILLARY SERVICES**

Rent control and rent stabilization, **11:384**

**ANIMALS**

**Emotional Support Animals** (this index)

**Pets** (this index)

**ANNULMENT OF LEASE**

Article 7-A proceedings, **16:125**

**ANSWERS**

**Article 7-A Proceedings** (this index)

Article 78 proceedings, specificity, **17:155**

**Holdover Proceedings** (this index)

**Lofts** (this index)

**Nonpayment Proceedings** (this index)

**APPEAL AND REVIEW**

**Bankruptcy** (this index)

Lofts, **18:26-18:30**

**Petition for Administrative Review** (this index)

“Poor person” proceedings, **16:352, 16:353**

Rent control and rent stabilization, **11:130, 11:221**

**APPOINTMENT OF ADMINISTRATOR**

**Article 7-A Proceedings** (this index)

**APPOINTMENT OF BANKRUPTCY JUDGES AND TRUSTEES**

**Bankruptcy** (this index)

**APPROVAL**

**Consent or Approval** (this index)

**ARBITRARY AND CAPRICIOUS ACTIONS**

Article 78 proceedings, **17:135-17:137**

**ARBITRATION**

Lease agreements, **4:268, 4:269**  
Options, **4:301**

**ARCHITECTS**

Lofts, rent regulation, **18:116**

**ARTICLE 7-A PROCEEDINGS**

Generally, **16:44-16:170**

Abatements of rent, entitlement of tenants to, **16:120**

Adjournments, time periods for, **16:100**

Annulment of lease, **16:125**

Answers

generally, **16:87-16:97**

causation of conditions by tenants, **16:91**

defenses, **16:89-16:97**

economic infeasibility, **16:94, 16:95**

entry or access, refusal of, **16:92**

filings of answer, **16:88**

futility, **16:96, 16:97**

good intentions, **16:97**

nonexistent or remedied conditions, **16:90**

nonstatutory defenses, **16:93-16:97**

reply, **16:98**

statutory defenses, **16:89-16:92**

Applicability, **16:45**

Appointment of administrator

generally, **16:106-16:125**

abatements of rent, entitlement of tenants to, **16:120**

annulment of lease, **16:125**

criteria for individual’s appointment, **16:110**

drastic remedy, **16:49**

form, verified petition to appoint administrator, **16:463**

functions of administrator, **16:114-16:125**

increases in rent, **16:122**

## INDEX

### ARTICLE 7-A PROCEEDINGS

#### —Cont'd

- Appointment of administrator
  - Cont'd
  - list of administrators, **16:112, 16:113**
  - loans to remedy conditions, **16:116**
  - New York City, persons who may be appointed, **16:108, 16:109**
  - persons who may be appointed, **16:107-16:109**
  - plan of correction, **16:117**
  - proceeds in excess of lawful rent, collection of, **16:119**
  - reasonable manner, administrator must fail to perform in, **16:121**
  - remedy of conditions, **16:115-16:117**
  - rent collection and legal proceedings, **16:118-16:122**
  - renting or leasing, **16:123-16:125**
  - rules and regulations, **16:111-16:113**
  - terms of lease, **16:124**
  - when administrator should not be appointed, **16:155, 16:156**
- Attorneys' fees
  - generally, **16:166-16:170**
  - landlord, entitlement of, **16:167, 16:168**
  - tenants, entitlement of, **16:169, 16:170**
- Causation of conditions by tenants, **16:91**
- City as owner, **16:56**
- Co-existence of administrator and receiver
  - generally, **16:145-16:149**
  - administrator as receiver, **16:148**
  - comparison of functions, **16:146**
  - naming and/or serving receiver as respondent, **16:147**
  - warranty of habitability, assertion against receiver, **16:149**
- Compromise of accounts. Presentation or settlement of accounts, below
- Conflicting statutes, **16:48**

### ARTICLE 7-A PROCEEDINGS

#### —Cont'd

- Consent to removal of administrator, **16:158**
- Correction of conditions, application following trial
  - generally, **16:102-16:105**
  - distribution of posted security, **16:105**
- owner or other interested party, corrective compliance by, **16:103**
- repairs not diligently effected, **16:104, 16:105**
- Criminal proceeding against administrator, **16:164**
- Defenses, **16:89-16:97**
- Deleterious conditions as grounds for proceeding, **16:62**
- Discharge of administrator
  - generally, **16:157-16:160**
  - consent to removal, **16:158**
  - failure to perform duties, **16:159, 16:160**
- Distribution of posted security, **16:105**
- Division of Housing and Community Renewal
  - generally, **16:126-16:133**
  - failure to maintain services, **16:127**
  - harassment, **16:133**
  - overcharges, **16:129, 16:130**
  - refunds, judgments, and treble damages for overcharges, **16:130**
  - rent registration, **16:131**
  - rent restorations, **16:128**
  - vacate orders, **16:132**
- Due diligence, service of notice of petition and petition, **16:79**
- Duration of conditions, **16:67, 16:68**
- Economic infeasibility, **16:94, 16:95**
- Entry or access, refusal of, **16:92**
- Estate as owner, **16:57**
- Estimate of correction costs, **16:75**
- Filing of answer, **16:88**
- Filing pleadings and proofs of service, **16:84**

**ARTICLE 7-A PROCEEDINGS**

—Cont'd

- Forms
  - notice of petition for deposit of rents, **16:462**
  - verification, **16:464**
  - verified petition to appoint administrator, **16:463**
- Futility, **16:96, 16:97**
- Good intentions, **16:97**
- Grounds for maintaining action, **16:61-16:64**
- Harassment, **16:133**
- Historical context, **16:46-16:50**
- Housing Code, multiple violations of, **16:63, 16:64**
- Identity of parties, **16:73, 16:74**
- Increases in rent, **16:122**
- Intervention, **16:86, 16:151-16:154**
- Itemization of receipts and expenditures, **16:138**
- Judgments, **16:101, 16:130**
- Judicial responsibility in New York City
  - generally, **16:162-16:165**
  - criminal proceeding against administrator, **16:164**
  - limitation on judicial appointment authority, **16:163**
  - waiver clauses unenforceable, **16:165**
- Liberal construction, **16:47**
- Lienors, service on, **16:82**
- List of administrators, **16:112, 16:113**
- Loans to remedy conditions, **16:116**
- Managing agent, service on, **16:81**
- Mortgagees, service on, **16:82**
- “Nail and mail,” service of notice of petition and petition, **16:83**
- Nonexistent or remedied conditions, **16:90**
- Notice of petition, **16:71, 16:462**
- Notice to nonpetitioning tenants, **16:85, 16:86**
- One-third of building's tenants, failure to proffer, **16:54**
- Overcharges, **16:129, 16:130**
- Owners, defined, **16:55-16:60**
- Payment priorities, **16:134, 16:135**

**ARTICLE 7-A PROCEEDINGS**

—Cont'd

- Permissive intervention by subsequent purchaser, **16:154**
- Petitioners, **16:52**
- Petitions
  - generally, **16:72-16:75**
  - estimate of correction costs, **16:75**
  - identity of parties, **16:73, 16:74**
  - service of notice of petition and petition, below
- Plan of correction, **16:117**
- Pleadings
  - generally, **16:70-16:98**
  - answers, above
  - intervention by nonpetitioning tenants, **16:86**
  - notice of petition, **16:71**
  - notice to nonpetitioning tenants, **16:85, 16:86**
  - petitions, above
  - reply, **16:98**
  - service of notice of petition and petition, below
- Presentation or settlement of accounts
  - generally, **16:137-16:144**
  - itemization of receipts and expenditures, **16:138**
  - owner and administrator, distinguished, **16:142**
  - review of account by court, **16:139**
  - rights of owner once administrator is appointed, **16:143, 16:144**
  - service of motion, **16:141**
- Priority of payments, **16:134, 16:135**
- Proceeds in excess of lawful rent, collection of, **16:119**
- Reappointment of administrator, **16:161**
- Reasonable manner, administrator must fail to perform in, **16:121**
- Receiver as owner, **16:58, 16:59**
- Refunds for overcharges, **16:130**
- Registered managing agent as owner, **16:60**
- Remedy of conditions, **16:115-16:117**

## INDEX

### ARTICLE 7-A PROCEEDINGS

#### —Cont'd

- Rent collection and legal proceedings, **16:118-16:122**
- Reply, **16:98**
- Review of account by court, **16:139**
- Rules and regulations, **16:111-16:113**
- Service of motion, presentation or settlement of accounts, **16:141**
- Service of notice of petition and petition generally, **16:76-16:84**
- due diligence, defined, **16:79**
- filings pleadings and proofs of service, **16:84**
- managing agent, service on, **16:81**
- methods of service, **16:78-16:84**
- mortgagees or lienors, service on, **16:82**
- “nail and mail,” **16:83**
- substituted service, **16:80, 16:81**
- timing of service, **16:77**
- Settlement of accounts. Presentation or settlement of accounts, above Standing, **16:53**
- Statutory threshold, **16:51-16:60**
- Subsequent purchaser, intervention by, **16:152-16:154**
- Substituted service, **16:80, 16:81**
- Successor owner, administrator and, **16:150**
- Terms of lease, **16:124**
- Timing of service, **16:77**
- Treble damages for overcharges, **16:130**
- Trial, **16:99**
- Undertaking, posting of, **16:136**
- Vacate orders, **16:132**
- Venue, **16:69**
- Verification, **16:464**
- Waiver clauses unenforceable, **16:165**
- Warranty of habitability, assertion against receiver, **16:149**
- Withholding of rents, **16:65, 16:66**

### ARTICLE 78 PROCEEDINGS

- Generally, **17:107-17:181**
- Ancillary relief, stay as, **17:170**

### ARTICLE 78 PROCEEDINGS

#### —Cont'd

- Answer must be specific, **17:155**
- Arbitrary and capricious action, **17:135-17:137**
- Attorneys' fees, **17:174**
- Class action alternative, prohibition proceeding, **17:112**
- Collateral estoppel, **17:179-17:181**
- Deemed denial of PAR, **17:120-17:122**
- Deference to agency determination, **17:132, 17:133**
- De novo review, **17:129, 17:168**
- Dismissal of proceeding, **17:177, 17:178**
- Division of Housing and Community Renewal, service on, **17:148, 17:149**
- Evidentiary standards, **17:130**
- Evidentiary support required if triable issue of fact alleged, **17:158**
- Exhaustion of administrative remedies, **17:114-17:119**
- Federal regulation, exceptions, **17:176**
- Final determination of PAR, mandamus proceeding to compel, **17:110**
- Impact requirement, exhaustion of administrative remedies, **17:116-17:118**
- Incidental monetary relief, **17:173-17:175**
- Judgments
  - generally, **17:171-17:181**
  - attorneys' fees, **17:174**
  - dismissal of proceeding, **17:177, 17:178**
  - grant of initial or complete relief to petitioner, **17:172-17:175**
  - incidental monetary relief, **17:173-17:175**
  - lost profits, **17:175**
  - res judicata and collateral estoppel, **17:179-17:181**
- Judicial review
  - generally, **17:113-17:141**

**ARTICLE 78 PROCEEDINGS**

**—Cont'd**

Judicial review—Cont'd  
arbitrary and capricious action,  
**17:135-17:137**  
beyond grant of powers, exhaustion  
of administrative remedies,  
**17:119**  
commencement of statute of limitations,  
**17:126, 17:127**  
deemed denial of PAR, **17:120-17:122**  
deference to agency determination,  
**17:132, 17:133**  
de novo review, **17:129**  
evidentiary standards, **17:130**  
exhaustion of administrative remedies,  
**17:114-17:119**  
final administrative determination,  
exhaustion of administrative remedies,  
**17:115**  
final determination on merits,  
deemed denial of PAR,  
**17:122**  
grounds for judicial review,  
**17:134-17:141**  
impact requirement, exhaustion of  
administrative remedies,  
**17:116-17:118**  
legal residuum rule, **17:140**  
ninety days, PAR deemed denied  
after, **17:121**  
quasi judicial proceedings,  
substantial evidence, **17:141**  
scope of review, **17:128-17:130**  
standard of review, **17:131-17:141**  
statute of limitations, **17:123-17:127**  
substantial evidence, **17:138-17:141**  
ultra vires agency determination,  
**17:133**  
unreasonable agency delay, **17:136**  
unruly meeting, **17:137**  
whole record rule, **17:139**  
Jurisdiction, **17:109, 17:143**  
Legal residuum rule, **17:140**  
Litigation of proceeding, **17:142-17:181**

**ARTICLE 78 PROCEEDINGS**

**—Cont'd**

Lost profits, **17:175**  
Mail, service by, **17:151**  
Mandamus proceeding to compel  
action, **17:108-17:110**  
New matter in answer, **17:163**  
New York City Loft Board, service  
on, **17:150**  
Ninety days, PAR deemed denied  
after, **17:121**  
Objection in point of law, **17:159, 17:160**  
Party seeking review, **17:144**  
Pleadings  
generally, **17:153-17:163**  
answer must be specific, **17:155**  
evidentiary support required if tri-  
able issue of fact alleged,  
**17:158**  
failure to state cause of action,  
**17:160**  
motion to dismiss prior to answer,  
**17:161, 17:162**  
new matter in answer, **17:163**  
objection in point of law, **17:159, 17:160**  
service of reply, **17:157**  
submission of record, **17:156**  
verified pleadings, **17:154**  
Prohibition proceeding, **17:111, 17:112**  
Purpose, **17:107**  
Quasi judicial proceedings,  
substantial evidence, **17:141**  
Res judicata, **17:179-17:181**  
Scope of review, **17:128-17:130**  
Service of process  
generally, **17:145-17:152**  
Division of Housing and Com-  
munity Renewal, service on,  
**17:148, 17:149**  
mail, service by, **17:151**  
New York City Loft Board, service  
on, **17:150**  
petition and notice of petition  
required to confer jurisdic-  
tion, **17:152**

## INDEX

### ARTICLE 78 PROCEEDINGS

#### —Cont'd

Service of process—Cont'd  
time for service of petition,  
**17:145, 17:146**  
Service of reply, **17:157**  
Standard of review, **17:131-17:141**  
Statute of limitations, **17:123-17:127**  
Stay of proceedings or enforcement,  
**17:169, 17:170**  
Submission of record, **17:156**  
Substantial evidence, **17:138-17:141, 17:166**  
Time for service of petition, **17:145, 17:146**  
Transfer to Appellate Division  
generally, **17:164-17:168**  
analysis, **17:165**  
de novo review, **17:168**  
mere allegations insufficient to  
trigger transfer, **17:167**  
substantial evidence questions  
must relate to facts, **17:166**  
Ultra vires agency determination,  
**17:133**  
Unruly meeting, **17:137**  
Verified pleadings, **17:154**  
Whole record rule, **17:139**

### ASBESTOS

Generally, **12:92-12:99**  
Asbestos containing material,  
defined, **12:93**  
Federal law, **12:95**  
Friable, defined, **12:94**  
New York City law, **12:97, 12:98**  
New York State law, **12:96**  
Penalties, **12:99**  
Rent control and rent stabilization,  
**11:273**  
Warranty of habitability, **9:36**

### ASSIGNMENTS

**Bankruptcy** (this index)  
**Subleases and Assignments** (this index)

### ATTACHMENTS

Nonpayment proceedings, New York  
City Section 8 tenants, **14:140**

### ATTORNEY-CLIENT PRIVILEGE

Generally, **1:21-1:24**  
Confidence and secret, distinguished,  
**1:23**  
Exceptions, **1:24**  
Necessity of attorney-client relation-  
ship, **1:22**

### ATTORNEY GENERAL

Administrative proceedings, com-  
mencement before Division of  
Housing and Community  
Renewal, **17:4**  
Rent control and rent stabilization,  
standing to sue for practices  
which violate rent-regulation  
laws, **11:22, 11:23**  
Security deposits, standing to sue,  
**7:44**

### ATTORNEYS

**Attorney-Client Privilege** (this  
index)  
**Attorney General** (this index)  
**Attorneys' Fees and Costs** (this  
index)  
Communication with client, **1:149-  
1:152**  
**Competence of Attorney** (this  
index)  
Contempt, **16:329**  
**Counseling as to Alternatives** (this  
index)  
Damages, malpractice, **1:155**  
**Fair Debt Collection Practices Act**  
(this index)  
**Frivolous Conduct** (this index)  
**Holdover Proceedings** (this index)  
**Initial Client Meeting** (this index)  
Liability of attorney  
generally, **1:153-1:165**  
agents retained by attorney, acts of,  
**1:175**  
damages, malpractice, **1:155**  
**Fair Debt Collection Practices**  
Act (this index)  
malpractice, **1:154, 1:155**  
New York Consumer Protection  
Act, **1:174**  
Malpractice, **1:154, 1:155**

**ATTORNEYS—Cont'd**

- Negotiations** (this index)
- New York Consumer Protection Act, **1:174**
- Nonpayment Proceedings** (this index)
- “Of counsel” designation, **1:56**
- “Poor Person” Proceedings** (this index)
- Privileged communications.
- Attorney-Client Privilege** (this index)
- Pro Se Litigants** (this index)
- Termination of lease, **13:9, 13:10**
- Updating of attorney by client, **1:150, 1:151**
- Verification
  - defects in, **15:459**
  - form, **15:656**
  - petition, **15:293**

**ATTORNEYS' FEES AND COSTS**

- Generally, **1:69-1:111, 1:177, 4:242-4:261**
- Account stated, recovery based on, **1:110**
- Advance notice of intent to recover fees may not be required, **15:640**
- Agreement on fees
  - generally, **1:92-1:103**
  - charging liens, **1:102**
  - consensual withdrawal by attorney, **1:96**
  - form, sample hourly rate fee agreement, **1:177**
  - nonconsensual withdrawal by attorney, **1:97**
  - nonexclusive nature of remedy, **1:103**
  - recovery of fees upon termination of representation, **1:98**
  - retainer fees, **1:104**
  - retaining liens, **1:101**
  - specific provisions, **1:94**
  - termination of representation, **1:95-1:98**
- Alternative fees, **1:79**
- American rule, **15:631**

**ATTORNEYS' FEES AND COSTS**

- Cont'd**
- Any dispute arising out of lease obligations, **4:250-4:252**
- Article 7-A Proceedings** (this index)
- Article 78 proceedings, **17:174**
- Bankruptcy, imposing attorneys' fees for abusive debtor practices, **20:25**
- Billings. Client billings and fee payments, below
- Bona fides of party's claim or defense is not dispositive, **15:638**
- Change in law as defense, prevailing party, **4:246**
- Charging liens, **1:102**
- Children, discrimination against, **4:258**
- Client billings and fee payments generally, **1:105-1:110**
- account stated, recovery based on, **1:110**
- disclosure of billing records, **1:108**
- discovery of fee agreement, **1:109**
- issuance of invoices and/or billing statements, **1:106**
- suspension of services for unpaid bills, **1:107**
- Combined fee agreements, **1:78**
- Commercial tenants must negotiate right to legal fees, **15:633**
- Consent of client to division of fees among attorneys, **1:86, 1:87**
- Contempt, **16:344**
- Contingency fees, **1:73, 4:247**
- Costs arrangements, **1:89-1:91**
- Counterclaims, **15:369**
- Disclosure of billing records, **1:108**
- Discovery of fee agreement, **1:109**
- Discrimination, **4:258, 5:102, 5:214, 5:215**
- Dispute resolution, **1:111**
- Division of fees among attorneys, **1:85-1:88**
- Entitlement predicated on “ultimate outcome,” **15:641**
- Ethical limits on fees, **1:81-1:83**
- Federal civil rights litigation, **4:259**

## INDEX

### ATTORNEYS' FEES AND COSTS

#### —Cont'd

- Fees on fees, **4:256**
- “Fees on fees” provisions, **1:77**
- Flat fees, **1:72**
- Form, hourly rate, **1:177**
- Form, sample hourly rate fee agreement, **1:177**
- Holdover proceeding, generally, **15:631-15:639**
- Holdover Proceedings** (this index)
- Hourly fees, **1:71, 1:177**
- HP proceedings, **16:307**
- Identity of prevailing party, **4:249**
- “Illegal” fees, **1:83**
- Interest on unpaid fees, **1:104**
- Lease agreement, **4:281**
- Legal services litigants, **4:254**
- Limits on fees
  - generally, **1:80-1:88**
  - consent of client to division of fees among attorneys, **1:86, 1:87**
  - division of fees among attorneys, **1:85-1:88**
  - ethical limits, **1:81-1:81**
  - “illegal” fees, **1:83**
  - non-attorneys, division of fees with, **1:88**
  - third party payments, **1:84**
- Nonpayment Proceedings** (this index)
- Nonrefundable retainers, **1:75**
- Prevailing party, **15:635, 15:637**
  - generally, **4:243-4:249**
  - change in law as defense, **4:246**
  - contingent fees, **4:247**
  - identity of prevailing party, **4:249**
  - landlord, recovery by, **4:248**
  - retroactive application to residential leases, **4:244**
  - waiver of entitlement to fees, **4:245**
- Proceedings resolved by stipulation, **15:639**
- Pro se litigants, **4:254**
- “Reasonable” amount, **4:255, 4:256**
- Reciprocal nature of recovery, **4:252**

### ATTORNEYS' FEES AND COSTS

#### —Cont'd

- Rent control and rent stabilization, **4:261, 11:200, 11:368-11:370**
- Residential tenants have reciprocal rights, **15:632**
- Retainer fees, **1:74-1:77, 1:100**
- Retaining liens, **1:101**
- Retaliatory actions, **4:260**
- Same action or proceeding requirement, **4:253**
- Section 8 tenants, **14:507, 15:643**
- Statutory fee awards, **4:257-4:260**
- Statutory tenancies, **15:634**
- Suspension of services for unpaid bills, **1:107**
- Termination of representation, **1:95-1:98**
- Third parties, liability of attorney for costs, **1:91**
- Third party payments, **1:84**
- Trust account, deposit of retainer in, **1:76**
- Validity of lease, **4:251**
- Waiver of entitlement to fees, **4:245**
- Warranty of habitability, **8:34, 9:114, 9:116, 14:396**

### AT-WILL OR AT-SUFFERANCE TENANCIES

- Generally, **2:110, 2:111, 2:115-2:117**
- Termination of Lease** (this index)

### AUDITS AND AUDITORS

- Lofts, rent regulation, **18:117-18:120**
- Rent and other charges, operational and common area maintenance expenses, **4:103**

### AUTHORIZED OCCUPANTS

- Lease Agreements** (this index)

### AUTOMATIC STAY, BANKRUPTCY

- Bankruptcy** (this index)

### BAD FAITH

- Good Faith** (this index)

### BANKRUPTCY

- Generally, **20:1-20:406**

**BANKRUPTCY—Cont'd**

Abandonment of estate property, **20:276**  
 Abstention from hearing certain cases generally, **20:50**  
 abstention provisions implicate question of whether to exercise jurisdiction, **20:51**  
 adversary proceeding regarding state landlord-tenant law, **20:54**  
 appealability of bankruptcy court's abstention decision, **20:56**  
 compare, equitable grounds warranting remand, **20:55**  
 factors relevant to bankruptcy court's decision whether to abstain, **20:52**  
 State-court eviction proceedings, **20:53**  
 Abuse of chapter 7 provisions, **20:139-20:143**  
 Abusive debtor practices  
     awarding sanctions for, **20:25**  
     imposing attorneys' fees for, **20:25**  
     imposing remedies for, **20:24**  
 Adversary proceeding regarding state landlord-tenant law, abstention from hearing, **20:54**  
 Allowance of "administrative expenses"  
     generally, **20:251**  
     commercial tenant need not show benefit to estate, **20:255, 20:256**  
     definition of "administrative expenses," **20:252**  
     future rent claims arising out of assumed lease, **20:257**  
     involuntary case "gap creditors," **20:256**  
     narrowly construed, **20:254**  
     postpetition rental payments, subtracting from  
         post-rejection cap, **20:260**  
         post-rejection cap, subtracting postpetition rental payments from, **20:260**

**BANKRUPTCY—Cont'd**

Allowance of "administrative expenses"—Cont'd  
 post-rejection rent as priority, **20:258, 20:259**  
 priority in distribution, **20:253, 20:256**  
 priority of claims and expenses, **20:262**  
 secured claims, determination of, **20:261**  
 Appeals to district court  
     generally, **20:59**  
     abstention from hearing certain cases decision, appealability of, **20:56**  
     de novo review district court  
         review of bankruptcy court's core/noncore determination, **20:48**  
         plenary review by Court of Appeals, **20:61**  
     procedure, appellate, **20:60**  
     stay pending appeal, standards, **20:62**  
 Appearance and representation, Rule 9010, **20:81**  
 Appointment of bankruptcy judges  
     generally, **20:6**  
     assessment of need for bankruptcy judges, **20:9**  
     dispute as to appointment, **20:11**  
 Judicial Conference  
     assessment of need for bankruptcy judges, **20:9**  
     recommendations, **20:8**  
     NY State's districts and judges, **20:7**  
     recommendations of Judicial Conference, **20:8**  
     removal of bankruptcy judge, **20:13**  
     serving in proximate districts, **20:12**  
     terms of appointment, **20:10**  
 Appointment of bankruptcy trustee  
     assistant US trustee, **20:65**  
     standing trustee, **20:72**  
     US trustee, **20:64**

## INDEX

### **BANKRUPTCY—Cont'd**

Assessment of need for bankruptcy judges, Judicial Conference's, **20:9**  
Assignment of unexpired lease, notwithstanding prohibition or restriction generally, **20:374**  
exceptions of right to assign lease, **20:377**  
liability for rent while trustee, debtor, and estate are relieved of liability, **20:375**  
security deposit requirement, **20:376**  
Assignments and subleases, **10:152, 20:344, 20:370**  
Assistant US trustee, appointment of, **20:65**  
Assumption or rejection of unexpired leases generally, **20:327**  
acceptance of rent by landlord after lease, **20:363**  
allowance of future rent claims arising out of, **20:257**  
assignment of lease notwithstanding prohibition or restriction, **20:374-20:377**  
prohibitions on, **20:337**  
time issues, **20:370**  
BAPCPA of 2005, applicability of, **20:370**  
business judgment rule, applying, **20:333**  
cause to extend time for assuming or rejecting lease, defined, **20:356**  
chapter 7 trustee, residential lease, **20:355**  
chapter 11 or 13 case, residential lease, **20:352-20:353**  
conflict over whether unexpired leases need be executory, **20:329**  
contingent on "cure" or "adequate assurance" of "prompt cure" of default generally, **20:339-20:350**

### **BANKRUPTCY—Cont'd**

Assumption or rejection of unexpired leases—Cont'd contingent on "cure" or "adequate assurance" of "prompt cure" of default—Cont'd adequate assurance of future performance, defined, **20:342**  
adequate assurance of prompt cure, defined, **20:340-20:341**  
certain lease defaults exempt from cure requirement, **20:349**  
compensation of landlord's actual pecuniary loss, **20:347-20:348, 20:349**  
definitions adequate assurance of future performance, **20:342**  
adequate assurance of prompt cure, **20:340-20:341**  
shopping center, **20:346**  
incidental services or supplies, lessor need not provide before assumption without compensation, **20:350**  
shopping center leases burden of proving complex is shopping center, landlord's, **20:345**  
definition, shopping center, **20:346**  
specific code requirements, **20:343**  
discretionary right, **20:332-20:333**  
effect of assumption, **20:334-20:336**  
effect of lease rejection, **20:378-20:381**  
enforceability of lease provisions, **20:335-20:336**  
estoppel as defense to statutory forfeiture, **20:364**  
extending time for assuming or rejecting lease, **20:356, 20:359**  
lessor debtor, effect of lease rejection on, **20:381**

**BANKRUPTCY—Cont'd**

Assumption or rejection of unexpired leases—Cont'd  
 motion required to assume lease, **20:357-20:364**  
 only "true" or "bona fide" leases may be assumed, **20:330-20:331**  
 order extending time for assuming or rejecting lease, **20:359, 20:360**  
 performance of commercial lease's terms until assumption or rejection, **20:379-20:382**  
 precluding landlord from asserting lease rejected, **20:361-20:364**  
 prohibitions on lease assumption or assignment, **20:337**  
 purpose and effect of Code sections, **20:328, 20:329**  
 rent-stabilized and rent-controlled tenancies are "lease-based" and capable of being assumed or rejected, **20:338**  
 repudiate or terminate agreement, effect of lease rejection on, **20:379**  
 residential lease  
 chapter 7 case, **20:355**  
 chapter 11 or 13 case, **20:352-20:353**  
 res judicata effect lacking in subsequently filed bankruptcy case, **20:358**  
 shopping center leases, **20:343-20:346**  
 statutory forfeiture, estoppel as defense to, **20:364**  
 sublease rejection, resulting from prime lease rejection, **20:380**  
 subsequently filed bankruptcy case, debtor's lease assumption lacks res judicata effect in, **20:358**  
 threshold inquiry into lease's existence, **20:375-20:377**  
 time periods for assumption of lease  
 generally, **20:351-20:364**

**BANKRUPTCY—Cont'd**

Assumption or rejection of unexpired leases—Cont'd  
 time periods for assumption of lease—Cont'd  
 extending time for assuming or rejecting lease, "cause" defined, **20:356**  
 within 60 days after order for relief, generally, **20:354-20:364**  
 waiver, precluding landlord from asserting lease rejected, **20:362-20:364**  
 Attorneys' fees imposed for abusive practices of debtor, **20:25**  
 Automatic stay  
 generally, **20:277-20:326**  
 appeals to district court, standards/procedure, **20:62**  
 bad faith filing furnishes cause to vacate stay, **20:382-20:387, 20:396**  
 BAPCPA of 2005, applicability of, **20:279-20:283**  
 certain actions or proceedings not stayed, **20:281**  
 certain actions stayed, **20:280**  
 commercial lease, **20:294-20:297**  
 damages available against "individuals" for willful violation, **20:292, 20:293**  
 defined, **20:278**  
 duration of stay, **20:282**  
 eviction efforts, **20:284**  
 expired commercial lease, inapplicability to, **20:294-20:297**  
 impacting lease and any pending litigation, **20:277**  
 jurisdiction for determining if action or proceeding stayed, **20:283**  
 no "self help" recourse against tenant, **20:285**  
 relief from automatic stay, below residential lease expired compared to commercial leases, **20:297**  
 security deposit "frozen" generally, **20:286**

## INDEX

### **BANKRUPTCY—Cont'd**

Automatic stay—Cont'd  
    security deposit "frozen"—Cont'd  
        landlord retains setoff rights,  
            **20:287**  
        payment of security deposit to  
            tenant not required, **20:291**  
        secured claim, treating deposit  
            as, **20:290**  
        setoff entitlement, creditors'  
            burden of proving, **20:289**,  
            **20:290**  
            vacating stay to exercise right to  
                apply security, **20:288**  
        serial filers' abusive practices, pro-  
            spective relief as remedy,  
            **20:396**  
    setoff entitlement  
        creditor has burden of proving,  
            **20:289**, **20:290**  
        landlord retains setoff rights,  
            **20:287**  
        security deposit, treating as  
            "secured" claim, **20:290**  
    vacating stay  
        bad faith filing furnishes cause  
            to vacate stay, **20:382**-  
            **20:387**, **20:396**  
        exercising right to apply secu-  
            rity, **20:288**  
        forms, below  
    willful violation, damages avail-  
        able against "individuals" for,  
            **20:292**, **20:293**

Bad faith filing by debtor as "cause"  
    to dismiss petition, convert case,  
    or vacate automatic stay  
    generally, **20:382**-**20:396**  
    chapter 11 or 13 plan, must be  
        proposed in good faith,  
            **20:388**-**20:390**  
    compare, good faith inquiry on  
        plan filing, **20:383**  
    encompasses both objective and  
        subjective element, **20:384**  
    factors for determining "bad faith"  
        filing, **20:385**-**20:387**  
    intent to frustrate creditors or col-  
        laterally attack state-court

### **BANKRUPTCY—Cont'd**

Bad faith filing by debtor as "cause"  
    to dismiss petition, convert case,  
    or vacate automatic stay  
    —Cont'd  
        judgment, conclusivity of,  
            **20:386**  
        serial bankruptcy filings as  
            "badge" of bad faith, **20:391**-  
            **20:396**  
**Bankruptcy Abuse Prevention and  
Consumer Protection Act of  
2005** (this index)  
Bankruptcy court as court of equity,  
    **20:19**, **20:20**  
Bankruptcy court as subordinate unit  
    of district court  
    generally, **20:4**  
    appointment of bankruptcy judges,  
        above  
    chief bankruptcy judge, **20:15**  
    designation of bankruptcy courts,  
        **20:5**  
    salaries and character of service of  
        bankruptcy judges, **20:14**  
    staff of bankruptcy judges, **20:16**  
Bankruptcy court rules of procedure,  
    **20:78**-**20:81**  
**Bankruptcy Reform Act of 1978**  
    (this index)  
Burden of proof  
    relief from automatic stay, **20:321**-  
        **20:324**  
    security deposit setoff, creditors'  
        burden of proving entitle-  
        ment, **20:289**, **20:290**  
    shopping center, landlord's burden  
        of proving complex is, **20:345**  
Business of debtor, authorization to  
    operate in Chapter 7 (Liquida-  
    tion) case, **20:144**  
Case administration  
    closing and reopening case, **20:229**  
    conversion of case, effect of,  
        **20:227**  
    dismissal of case, effect of, **20:228**  
    employment of professional  
        persons, below

**BANKRUPTCY—Cont'd**

Case administration—Cont'd  
 involuntary petition, filing  
 ramifications, below  
 meeting of creditors and equity-  
 security holders  
 generally, **20:224**  
 debtor examined at "341(a)  
 Meeting," **20:225**  
 Rule 2003 examination  
 compared, **20:226**  
 miscellaneous aspects  
 generally, **20:207**  
 involuntary petition, filing  
 ramifications, below  
 property use, sale or lease  
 generally, **20:230**  
 cash collateral  
 defined, **20:231**  
 generally, **20:230**  
 motion for authorization to  
 use, **20:232**  
 cash collateral, defined, **20:231**  
 motion for authorization to use  
 cash collateral, **20:232**  
 motion prohibiting or condition-  
 ing, **20:232**  
 removal for "cause" (trustee or  
 examiner), **20:218**  
 trustee or examiner, removal for  
 "cause," **20:218**  
 Change of venue of proceedings,  
**20:36**  
 Chapter 7 (Liquidation)  
 generally, **20:131-20:151**  
 authorization to operate debtor's  
 business, **20:144**  
 conversion of chapter 7 case,  
**20:137**  
 creditors' committee, **20:136**  
 discharge  
 debts discharged, generally,  
**20:147**  
 effect of discharge, **20:151**  
 exception to debts discharged,  
**20:148**  
 impediments to debtor's dis-  
 charge, **20:146**

**BANKRUPTCY—Cont'd**

Chapter 7 (Liquidation)—Cont'd  
 discharge—Cont'd  
 objection to discharge  
 considered, **20:149**  
 revocation of discharge possible,  
**20:150**  
 dismissal of chapter 7 case,  
**20:138-20:143**  
 distribution of estate property,  
**20:145**  
 impediments to debtor's discharge,  
**20:146**  
 interim trustee, **20:133**  
 trustee  
 generally, **20:134**  
 compare, chapter 11 and 13,  
**20:73**  
 duties, **20:135**  
 interim trustee, **20:133**  
 who may be chapter 7 debtor,  
**20:132**  
 Chapter 9, generally, **20:202**  
 Chapter 11 (Reorganization)  
 generally, **20:152**  
 appointment of trustee or examiner  
 generally, **20:159**  
 authorization to operate busi-  
 ness, **20:164**  
 duties, rights, and powers of  
 debtor-in-possession,  
**20:167**  
 duties of examiner, **20:166**  
 duties of trustee, **20:163, 20:165**  
 duties of trustee and examiner,  
**20:165**  
 election of trustee, creditors',  
**20:160**  
 powers, rights, and duties of  
 debtor-in-possession,  
**20:167**  
 rights, powers, and duties of  
 debtor-in-possession,  
**20:167**  
 termination of trustee's appoint-  
 ment, **20:162**  
 when examiner may be  
 appointed, **20:161**

## INDEX

### **BANKRUPTCY—Cont'd**

Chapter 11 (Reorganization)—Cont'd  
conversion or dismissal of chapter  
11 case, **20:169**  
creditors' committee  
generally, **20:156**  
composition, **20:157**  
powers and duties, **20:158**  
debtor-in-possession  
defined, **20:154**  
duties, rights, and powers,  
**20:167**  
discharge, exception to debts  
discharged, **20:148**  
dismissal or conversion of chapter  
11 case, **20:169**  
plan of reorganization  
generally, **20:170**  
acceptance of plan, **20:176**  
classification of claims and  
interests under plan, **20:173**  
confirmation  
effect of, **20:179**  
hearing, **20:178**  
revocation of order, **20:181**  
contents of plan, **20:174**  
effect of plan confirmation,  
**20:179**  
exclusive filing period, **20:171**  
impairment of claims and  
interests under plan, **20:175**  
implementation of plan, **20:180**  
modification of plan, **20:177**  
must be proposed in good faith,  
**20:390**  
revocation of confirmation  
order, **20:181**  
small business debtors, special  
provisions for, **20:172**  
rights, powers, and duties of debt-  
or-in-possession, **20:167**  
right to be heard, **20:168**  
substantial consummation, defined,  
**20:155**  
trustee, compare chapters 7, 11, 13,  
**20:73**  
who may be chapter 11 debtor,  
**20:153**  
Chapter 12, generally, **20:202**

### **BANKRUPTCY—Cont'd**

Chapter 13 (adjustment of debts of  
individual with regular income)  
generally, **20:182**  
confirmation of plan  
generally, **20:191**  
effects of, **20:194**  
hearing, **20:190**  
modification of plan after  
confirmation, **20:196-**  
**20:200**  
modification of plan before  
confirmation, **20:188**  
payments under plan, **20:194**  
conversion or dismissal of chapter  
13 case, **20:186**  
discharge, exception to debts  
discharged, **20:148**  
discharge of debtor, **20:195**  
dismissal or conversion of chapter  
13 case, **20:186**  
disposable income, defined, **20:193**  
estate property remains with  
debtor, **20:185**  
modification of plan after  
confirmation  
generally, **20:196**  
compliance with Code, new plan  
requirement, **20:200**  
requirements, **20:197-20:200**  
substantial change, defined,  
**20:199**  
unanticipated change, defined,  
**20:198**  
modification of plan before  
confirmation, **20:188**  
objections to plan  
generally, **20:192**  
disposable income, defined,  
**20:193**  
payments under plan, **20:194**  
plan  
generally, **20:187**  
confirmation, **20:191**  
confirmation hearing, **20:190**  
disposable income, defined,  
**20:193**  
effects of plan confirmation,  
**20:194**

**BANKRUPTCY—Cont'd**

Chapter 13 (adjustment of debts of individual with regular income)  
—Cont'd  
plan—Cont'd  
modification before confirmation, **20:188**  
must be proposed in good faith, **20:389**  
objections to plan, **20:192, 20:193**  
payments under plan, **20:194**  
revocation of order of confirmation, **20:201**  
substantial change, modification of plan after confirmation, **20:199**  
trustee, **20:73, 20:184**  
unanticipated change, modification of plan after confirmation, **20:198**  
who may be chapter 13 debtor, **20:183**  
Chapters of US Code, organization and citation, **20:74-20:77**  
Character of service of bankruptcy judges, **20:14**  
Chief bankruptcy judge, **20:15**  
Citation of US Code chapters, **20:76**  
Claims against estate  
generally, **20:233**  
allowance of administrative expenses, above  
bar date, defined, **20:239**  
chapter 7 and 13 cases, **20:237**  
chapter 11 case, **20:238**  
court's reconsideration of claims allowed or disallowed, **20:250**  
effect of filing, **20:240**  
enforcement determination, **20:245**  
filing of proofs of claim or interests  
generally, **20:234**  
barred claims, **20:239, 20:241, 20:249**  
certain "informal" proofs of claim permitted, **20:235**  
chapter 7 and 13 cases, **20:237**  
chapter 11 case, **20:238**

**BANKRUPTCY—Cont'd**

Claims against estate—Cont'd  
filing of proofs of claim or interests—Cont'd  
effect of, **20:240**  
late claims may be barred, **20:241**  
time and place of filing generally, **20:236**  
bar date, defined, **20:239**  
chapter 7 and 13 cases, **20:237**  
chapter 11 case, **20:238**  
late claims may be barred, **20:241**  
rejection of unexpired lease, claim arising from, **20:249**  
involuntary case "gap creditors," **20:256**  
late claims may be barred, **20:239, 20:241**  
objection of timely-filed claims generally, **20:242**  
court determines "allowable" amount, **20:243-20:245**  
prima facie evidence of claim's validity and amount, **20:244**  
right to payment and enforcement of claim determination, **20:245**  
prima facie evidence of claim's validity and amount, **20:244**  
reconsideration of claims allowed or disallowed, **20:250**  
rejection of unexpired lease triggers "prepetition" claim, **20:246-20:249**  
right to payment determination, **20:245**  
timely-filed claims is "allowed" absent objection generally, **20:242**  
rejection of unexpired lease triggers "prepetition" claim, **20:246-20:249**  
upon objection court determines "allowable" amount,

## INDEX

**BANKRUPTCY—Cont'd**

Claims against estate—Cont'd  
timely-filed claims is "allowed"  
absent objection—Cont'd  
**20:243-20:245**  
unexpired lease, rejection triggers  
"prepetition" claim, **20:246-20:249**  
Closing and reopening case, **20:229**  
Coequal jurisdiction unconstitutional,  
bankruptcy court's, **20:3**  
Commencement date distinguished  
from "order for relief" and  
"petition date," **20:117**  
Commercial lease  
allowance of "administrative  
expenses," **20:255, 20:256**  
assumption or rejection of  
unexpired leases, **20:379-20:382**  
automatic stay, **20:294-20:297**  
performance of terms until  
assumption or rejection of  
lease, **20:379-20:382**  
Compare  
abstention, equitable grounds trig-  
gering, **20:40**  
core vs. noncore proceedings,  
**20:43**  
remand, equitable grounds war-  
ranting, **20:55**  
trustee under Chapter 7, 11, or 13,  
**20:73**  
Conversion of case, **20:137, 20:169,**  
**20:186, 20:227**  
Cure of default, assumption or rejec-  
tion of unexpired leases  
contingent on "cure" or "ade-  
quate assurance" of "prompt  
cure" of default, **20:339-20:350**  
Current monthly income  
defined, **20:141**  
mandatory restrictions, **20:142**  
permissible reductions, **20:143**  
Definitions  
adequate assurance of future per-  
formance, **20:82, 20:342**  
adequate assurance of prompt cure,  
**20:83, 20:340-20:341**

**BANKRUPTCY—Cont'd**

Definitions—Cont'd  
adequate protection (bankruptcy,  
relief from automatic stay),  
**20:304**  
administrative expense, **20:84**  
administrative expenses, **20:252**  
adversary proceedings, **20:85**  
after notice and a hearing, **20:87**  
allowed claim, **20:86**  
arising under the Code, or arising  
in or related to case under  
Code  
generally, **20:29**  
abstention from hearing certain  
cases, **20:30**  
automatic stay, **20:278**  
bankruptcy "trustee," **20:88**  
BAPCPA, definitions under,  
**20:127**  
case under the Code, **20:27**  
cash collateral, **20:231**  
cause (bankruptcy, relief from  
automatic stay), **20:302,**  
**20:303**  
claim  
"Allowed" claim, **20:85**  
"Claim," **20:90**  
"claim against the debtor,"  
**20:93**  
"contingent claim," **20:91**  
"right to payment," **20:92**  
commencement date distinguished  
from "order for relief" and  
"petition date," **20:117**  
consumer debt, **20:94**  
contested matters, **20:95-20:97**  
contingent claim, **20:91**  
creditor, **20:98-20:99**  
cure, **20:100**  
current monthly income, **20:141**  
debt, **20:101**  
debtor, **20:102**  
debtor-in-possession, **20:154**  
debtor's principal residence,  
**20:129**  
default, **20:103**  
disposable income, **20:193**  
entity, **20:104**

**BANKRUPTCY—Cont'd**

Definitions—Cont'd  
 equity security, **20:105**  
 equity security holder, **20:106**  
 estate property, **20:107**  
 estoppel, **20:20**  
 executory contract, **20:108**  
 incidental property, **20:130**  
 indenture, **20:109**  
 indenture trustee, **20:110**  
 individual with regular income, **20:111**  
 indubitable equivalent (bankruptcy, relief from automatic stay), **20:305**  
 involuntary case, **20:112, 20:113**  
 joint case, **20:114**  
 may not, **20:115**  
 order for relief, **20:116, 20:117**  
 party in interest, **20:118**  
 person, **20:119**  
 petition, **20:120**  
 petition date distinguished from "commencement date" and "order for relief," **20:118**  
 proceedings arising under Code, or arising in or related to case under Code, **20:28**  
 prompt cure, **20:121**  
 proof of claim, **20:122, 20:123**  
 residence of debtor, principal, **20:129**  
 right to payment, **20:92**  
 serial bankruptcy filings, **20:392**  
 shopping center, **20:346**  
 single asset real estate, **20:124**  
 small business, **20:125**  
 substantial consummation, **20:155**  
 transfer, **20:126**  
 trustee  
     bankruptcy trustee, **20:88**  
     indenture trustee, **20:110**  
     US trustee, **20:89**  
 voluntary case, **20:128-20:130**  
 De novo review of bankruptcy court's core/noncore determination, **20:48**

**BANKRUPTCY—Cont'd**

Designation of bankruptcy courts, **20:5**  
 Discharge  
     generally, **20:266**  
     effects of discharge, generally, **20:267**  
     restriction on enforcing dischargeable claim against debtor, **20:268**  
     tenant defense, **14:343**  
 Dismissal of chapter 7 case, **20:138-20:143**  
 Dispute as to appointment of bankruptcy judges, **20:11**  
 Duties and supervision of US trustee, **20:69-20:72**  
 Duties of debtor  
     generally, **20:263**  
     certain individual property as not estate property, **20:265**  
     effects of discharge, **20:267-20:268**  
     expired leases as not estate property, **20:264**  
 Employment of "professional persons"  
     generally, **20:219**  
     compensation limitations, **20:220**  
     compensation of officers, **20:221**  
     interim compensation, awarding, **20:222**  
     sharing compensation, prohibition, **20:223**  
 Equity powers of bankruptcy courts  
     awarding sanctions for abusive debtor practices, **20:25**  
     bankruptcy court as court of equity, **20:19, 20:20**  
     estoppel, defined, **20:20**  
     imposing attorneys' fees for abusive debtor practices, **20:25**  
     imposing remedies for abusive debtor practices, **20:24**  
     limitation of equitable power, **20:21**  
     modify or vacate stipulations or prior orders, **20:22, 20:23**  
     nunc pro tunc orders, **20:23**

## INDEX

**BANKRUPTCY—Cont'd**  
Equity powers of bankruptcy courts  
—Cont'd  
nunc pro tunc orders, permitted as  
justice requires, **20:23**  
Estoppel, defined, **20:20**  
Eviction proceedings, **20:39**  
Eviction proceedings in state court,  
abstention from hearing, **20:53**  
Executive contracts  
assumption or rejection of  
unexpired leases, above  
Fees  
generally, **20:203**  
filing fee, **20:204**  
imposition of costs, **20:206**  
quarterly fees payable to US  
trustee, **20:205**  
Fraudulent transfers and obligations  
generally, **20:272-20:275**  
avoiding transfer, trustee as  
"stand-in" for unsecured  
creditor, **20:275**  
intent demonstrated by circum-  
stances, **20:273**  
jury trial, nonclaimant's right to  
when trustee seeks reconvey-  
ance, **20:274**  
Future rent claims arising out of  
assumed lease, allowance of,  
**20:257**  
Historical perspective, **20:1**  
Imposing attorneys' fees for abusive  
debtor practices, **20:25**  
Imposing remedies for abusive debtor  
practices, **20:24**  
Involuntary petition  
generally, **20:208**  
bond, petitioners may have to file,  
**20:211**  
business, debtor continues to oper-  
ate, **20:212**  
chapter 7 case, trustee may be  
appointed, **20:213**  
commencement requirements,  
**20:113**  
court orders relief against debtor,  
**20:214**

**BANKRUPTCY—Cont'd**  
Involuntary petition—Cont'd  
creditor may join in petition,  
**20:209**  
debtor may answer petition,  
**20:210**  
defined, **20:112**  
dismissal  
costs and fees, court may award  
upon petition's dismissal,  
**20:215**  
grounds, **20:216, 20:217**  
in the debtor's and creditors'  
interest, **20:217**  
gap creditors, **20:256**  
Judges  
appointment of, above  
character of service of, **20:14**  
chief bankruptcy judge, **20:15**  
Judicial Conference  
assessment of need for bankruptcy  
judges, **20:9**  
recommendations of bankruptcy  
judges, **20:8**  
Jurisdiction of bankruptcy courts and  
practices  
generally, **20:26**  
coequal jurisdiction unconstitutional,  
bankruptcy court's,  
**20:3**  
definitions  
"Arising under the Code" or  
arising in or related to case  
under Code  
generally, **20:29**  
abstention from hearing  
certain cases, **20:30**  
"Case under the Code," **20:27**  
"Proceedings" arising under  
Code, or arising in or  
related to case under Code,  
**20:28**  
property, jurisdiction over, **20:31**  
venue, below  
Jury trial  
fraudulent transfers and obliga-  
tions, jury trial right when  
trustee seeks reconveyance,  
**20:274**

**BANKRUPTCY—Cont'd**

Jury trial—Cont'd  
 procedures, **20:58**  
 right in personal injury and wrongful death, **20:35**  
 Landlord-tenant law dispute, abstention from hearing adversary proceeding regarding state, **20:54**  
 Lease agreements, **4:238, 10:152**  
 Leases  
 agreement provisions, **4:238**  
 future rent claims, **20:248**  
 future rent claims arising out of assumed lease, allowance of, **20:257**  
 shopping center leases, **20:343-20:346**  
 unexpired lease, rejection triggers "prepetition" claim, **20:246-20:249**  
 Limitation of equitable power of bankruptcy courts, **20:21**  
 Modify stipulations or prior orders, **20:22, 20:23**  
 Nunc pro tunc orders of bankruptcy courts, **20:23**  
 NY State's districts and judges, appointment of bankruptcy judges, **20:7**  
 Office of trustee  
 generally, **20:66**  
 removal of trustee, **20:67**  
 vacancies in office of US trustee, **20:68**  
 Order for relief  
 defined, **20:116, 20:117**  
 distinguished from "petition date" and "commencement date," **20:118**  
 Orders  
 modify stipulations or prior orders, **20:22, 20:23**  
 nunc pro tunc orders, **20:23**  
 Petition date distinguished from "commencement date" and "order for relief," **20:118**  
 Plenary review by Court of Appeals, procedure, **20:61**

**BANKRUPTCY—Cont'd**

Powers of bankruptcy courts generally, **20:18**  
 abusive practices of debtor awarding sanctions, **20:25**  
 imposing attorneys' fees, **20:25**  
 imposing remedies for, **20:24**  
 attorneys' fees imposed for abusive practices of debtor, **20:25**  
 equity power, above estoppel, **20:19, 20:20**  
 limitation of equitable power, **20:21**  
 modify or vacate stipulations or prior orders, **20:22, 20:23**  
 nunc pro tunc orders, **20:23**  
 remedies imposed for abusive debtor practices, **20:24**  
 sanctions awarded for abusive debtor practices, **20:25**  
 Preference avoidance generally, **20:269-20:271**  
 current rent payments as not "preference," **20:271**  
 policy goals, **20:270**  
 Prima facie case, motion to vacate stay, **20:321-20:324**  
 Prima facie evidence of claim's validity and amount, **20:244**  
 Procedures  
 generally, **20:41**  
 abstention from hearing certain cases generally, **20:50**  
 abstention provisions implicate question of whether to exercise jurisdiction, **20:51**  
 adversary proceeding regarding state landlord-tenant law, **20:54**  
 appealability of bankruptcy court's abstention decision, **20:56**  
 compare, equitable grounds warranting remand, **20:55**  
 factors relevant to bankruptcy court's decision whether to abstain, **20:52**

## INDEX

**BANKRUPTCY—Cont'd**  
Procedures—Cont'd  
abstention from hearing certain cases—Cont'd  
State-court eviction proceedings, **20:53**  
all cases under Code and all "core proceedings, bankruptcy judges hear and determine generally, **20:42**  
core/noncore dichotomy is issue of law for bankruptcy court's determination, **20:47**  
"core proceeding" defined, **20:44-20:45**  
"core proceeding" examples, **20:45**  
"core" vs. "noncore" distinction, **20:43**  
de novo review district court review of bankruptcy court's core/noncore determination, **20:48**  
"noncore proceeding" defined, **20:46**  
appeals to district court generally, **20:59**  
de novo review of bankruptcy court's core/noncore determination, **20:48**  
plenary review by Court of Appeals, **20:61**  
procedure, appellate, **20:60**  
stay pending appeal, standards, **20:62**  
appearance and representation, Rule 9010, **20:81**  
compare  
"core" vs. "noncore" proceedings, **20:43**  
equitable grounds warranting remand, **20:55**  
contested matters, **20:95-20:97**  
de novo review of bankruptcy court's core/noncore determination, **20:48**  
jury trials, **20:58**  
motion, "contested matters" are brought by, **20:96**

**BANKRUPTCY—Cont'd**  
Procedures—Cont'd  
noncore proceeding otherwise related to Code case, bankruptcy judges may hear, **20:49**  
plenary review by Court of Appeals, **20:61**  
Rule 9010, appearance and representation, **20:81**  
rules of procedure, generally, **20:78-20:81**  
stay pending appeal, standards, **20:62**  
withdrawal of case or proceeding referred to bankruptcy court, district court's, **20:57**  
Proof of claim  
defined, **20:122**  
simultaneous petitions prohibited, **20:123**  
Property of estate  
abandonment, **20:276**  
cash collateral, **20:230-20:232**  
certain individual property as not estate property, **20:265**  
effects of discharge, **20:267, 20:268**  
expired leases as not estate property, **20:264**  
fraudulent transfers and obligations, **20:272-20:275**  
incidental property, defined, **20:130**  
jurisdiction over, **20:31**  
preference avoidance, **20:269-20:271**  
restriction on enforcing dischargeable claim against debtor, **20:268**  
use, sale, or lease of, **20:230-20:232**  
Recommendations of bankruptcy judges, Judicial Conference's, **20:8**  
Reconsideration of claims allowed or disallowed, **20:250**  
Relief from automatic stay generally, **20:298-20:326**

**BANKRUPTCY—Cont'd**

Relief from automatic stay—Cont'd  
 burden of proof and *prima facie* case on motion to vacate stay generally, **20:321**  
 debtor's lack of equity, **20:322**  
 establishing lack of adequate protection, **20:324**  
 for cause, **20:323-20:324**  
 condominium association and cooperative corporation are secured creditors generally, **20:306**  
 additional basis of stay's modification, **20:318-20:320**  
 bad faith filing of bankruptcy petition as furnishing "cause," **20:317**  
 desire to litigate in another forum as "cause," **20:307-20:308**  
 equity and equity cushion, defined, **20:319**  
 failure to pay postpetition rent as furnishing "cause," **20:316**  
 necessary to an effective reorganization, defined, **20:320**  
 state court judgment as furnishing "cause," **20:309-20:310**  
 state court warrant of eviction as furnishing "cause," **20:311-20:315**  
 court's discretion to lift stay, **20:325**  
 date of termination of stay, **20:326**  
 definitions  
     adequate protection, **20:304**  
     cause, **20:302, 20:303**  
     indubitable equivalent, **20:305**  
     hearing unnecessary to prevent "irreparable damage," **20:300**  
     indubitable equivalent, defined, **20:305**  
     motion, method, **20:299**  
     requirements for modification generally, **20:301-20:304**

**BANKRUPTCY—Cont'd**

Relief from automatic stay—Cont'd  
 requirements for modification—Cont'd  
     adequate protection, defined, **20:304**  
     for cause, not defined by Code, **20:302**  
     lack of "adequate protection" furnishes "cause," **20:303-20:304**  
     serial filers' abusive practices, prospective relief as remedy, **20:396**  
 Removal and remand of claims related to bankruptcy generally, **20:37**  
 compare, equitable grounds triggering abstention, **20:40**  
 equitable decisions that warrant, **20:38**  
 eviction proceedings, **20:39**  
 Removal of bankruptcy judge, **20:13**  
 Removal of bankruptcy trustee, **20:67**  
 Rent and other charges, **10:124**  
 Reopening case, **20:229**  
 Representation and appearance, Rule 9010, **20:81**  
 Res judicata effect of assumption or rejection of unexpired leases in subsequently filed bankruptcy case, **20:358**  
 Right to jury trials in personal injury and wrongful death, **20:35**  
 Rule 9010, appearance and representation, **20:81**  
 Rules of procedure generally, **20:77**  
 Rules of procedure, generally, **20:78-20:81**  
 Salaries of bankruptcy judges, **20:14**  
 Sanctions awarded for abusive debtor practices, **20:25**  
 Secured claims, determination of, **20:261**  
 Security deposit, **20:286-20:291, 20:376**  
 Serial bankruptcy filings as "badge" of bad faith, **20:391-20:396**

## INDEX

**BANKRUPTCY—Cont'd**  
Serving in proximate districts, bankruptcy judges, **20:12**  
Shopping center leases, assignment of, **20:344**  
Shopping center leases, assumption of  
burden of proving complex is shopping center, landlord's, **20:345**  
definition, shopping center, **20:346**  
specific code requirements, **20:343**  
Staff of bankruptcy judges, **20:16**  
Standards of review  
de novo review of bankruptcy court's core/noncore determination, **20:48**  
plenary review by Court of Appeals, **20:61**  
Standing trustee, appointment of, **20:72**  
Subleases and assignments, **10:152**  
Substantial abuse of chapter 7 provisions, **20:139-20:143**  
Supervision of US trustee, **20:69-20:72**  
Term of bankruptcy judges, **20:10**  
Term of bankruptcy trustee, **20:64**  
Trustees  
generally, **20:63**  
appointment of trustee  
assistant US trustee, **20:65**  
standing trustee, **20:72**  
US trustee, **20:64**  
assistant trustee, appointment of, **20:65**  
compare: Chapter 7, 11, or 13 trustee, **20:73**  
duties and supervision of US trustee, **20:69-20:72**  
indenture trustee, defined, **20:110**  
interim trustee (Chapter 7, Liquidation), **20:133**  
official stations  
generally, **20:66**  
removal of trustee, **20:67**  
vacancies in office of US trustee, **20:68**  
removal of trustee, **20:67**

**BANKRUPTCY—Cont'd**  
Trustees—Cont'd  
standing trustee, appointment of, **20:72**  
supervision of US trustee, **20:69-20:72**  
term of trustee, **20:64**  
vacancies in office of US trustee, **20:68**  
warranty of habitability, **9:24**  
Unconscionability, **10:23**  
Unexpired lease, rejection triggers "prepetition" claim, **20:246-20:249**  
Unexpired leases  
assumption or rejection of unexpired leases, above  
US Code organization  
generally, **20:74**  
chapters, configuration, **20:75**  
citation by chapter and section, **20:76**  
Title 11, **20:74**  
US Code procedure, generally, **20:78-20:81**  
Vacancies in office of US trustee, **20:68**  
Vacate stipulations or prior orders, **20:22, 20:23**  
Venue of proceedings  
"arising under the Code" or "arising in or related to a cases under the Code"  
generally, **20:33**  
brought by bankruptcy trustee, **20:34**  
change of venue, **20:36**  
Code cases, venue of, **20:32**  
Warranty of habitability, trustees', **9:24**  
Withdrawal of case or proceeding referred to bankruptcy court, district court's, **20:57**

## **BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005**

Generally, **20:17**

**BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005—Cont'd**

Assignment  
    shopping center leases, **20:344**  
    timing of, **20:370**  
Automatic stay, **20:279-20:283**  
Definitions, **20:127**  
    incidental property, **20:130**  
    residence of debtor, **20:129**  
Pending litigation, **20:279-20:283**  
Shopping center leases, assignment of, **20:344**

**BANKRUPTCY REFORM ACT OF 1978**

Generally, **20:2**  
Appointment of bankruptcy judges generally, **20:6**  
    dispute as to appointment, **20:11**  
    Judicial Conference  
        assessment of need for bankruptcy judges, **20:9**  
        recommendations, **20:8**  
    NY State's districts and judges, **20:7**  
    removal of bankruptcy judge, **20:13**  
    serving in proximate districts, **20:12**  
    terms of appointment, **20:10**  
Assessment of need for bankruptcy judges, Judicial Conference's, **20:9**  
Character of service of bankruptcy judges, **20:14**  
Chief bankruptcy judge, **20:15**  
Coequal jurisdiction unconstitutional, bankruptcy court's, **20:3**  
Designation of bankruptcy courts, **20:5**  
Dispute as to appointment of bankruptcy judges, **20:11**  
    Judicial Conference  
        assessment of need for bankruptcy judges, **20:9**  
        recommendations of bankruptcy judges, **20:8**

**BANKRUPTCY REFORM ACT OF 1978—Cont'd**

NY State's districts and judges, appointment of bankruptcy judges, **20:7**  
Recommendations of bankruptcy judges, Judicial Conference's, **20:8**  
Removal of bankruptcy judge, **20:13**  
Salaries of bankruptcy judges, **20:14**  
Serving in proximate districts, bankruptcy judges, **20:12**  
Staff of bankruptcy judges, **20:16**  
Subordinate unit of district court, bankruptcy court is generally, **20:4**  
    appointment of bankruptcy judges, above  
    chief bankruptcy judge, **20:15**  
    designation of bankruptcy courts, **20:5**  
    salaries and character of service of bankruptcy judges, **20:14**  
    staff of bankruptcy judges, **20:16**  
Terms of appointment of bankruptcy judges, **20:10**

**BED BUGS**  
Warranty of habitability, **9:50**

**BEST EVIDENCE**  
Administrative proceedings, **17:34**

**BIANNUAL MAXIMUM RENT ADJUSTMENTS IN NEW YORK CITY**  
    Rent Control and Rent Stabilization (this index)

**BILLINGS**  
    Attorneys' Fees and Costs (this index)

**BILL OF PARTICULARS**  
Nonpayment proceedings, **14:415, 14:416**

**BLIND PERSONS**  
Human Rights Law (NY), nursing home discrimination, **5:92**

## INDEX

**BLOCKBUSTING**  
Human Rights Law (NY), **5:83**  
Human Rights Law (NYC), **5:116**

**“BRAC” TAX**  
Lofts, **18:30**

**BURDEN OF PROOF**  
**Presumptions and Burden of Proof**  
(this index)

**BURGLARIES**  
Warranty of habitability, **9:71**

**BUZZERS**  
Warranty of habitability, **9:69**

**CALENDAR PRACTICE**  
Nonpayment proceedings, **14:403**

**CANCELLATION**  
Lis pendens, **2:86**

**CAPTIONS**  
Nonpayment proceedings, **14:74, 14:105, 14:224, 14:274-14:277**

**CARBON-MONOXIDE DETECTORS**  
Premises liability, **12:187**  
Warranty of habitability, **9:37**

**CATS**  
Nuisance, **13:99**

**CAUSATION**  
Article 7-A proceedings, **16:91**  
Premises liability, **12:26-12:28, 12:50-12:53**

**CAVEAT EMPTOR**  
Environmental liability, fraudulent concealment, **12:173**

**CERCLA**  
**Comprehensive Environmental Response, Compensation, and Liability Act of 1980** (this index)

**CERTAINTY OF TERMS**  
Options, **4:297 et seq., 4:317**

**CERTIFICATE OF OCCUPANCY**  
Warranty of habitability, **9:38**

**CERTIORARI**  
Property taxes, **4:218**  
Rent control and rent stabilization, hardship to landlord, **11:309**

**CHAIN OF TITLE**  
Environmental liability, fraudulent concealment, **12:171**

**CHARGING LIENS**  
Attorneys’ fees and costs, **1:102**

**CHARITABLE INSTITUTIONS**  
Rent control and rent stabilization, **11:96-11:98**

**CHILDREN AND MINORS**  
Attorneys’ fees and costs, discrimination, **4:258**  
**Discrimination** (this index)  
Family or marital status discrimination, **5:150-5:152**  
Human Rights Law (NYC), **5:121**  
Lease agreements, **4:158, 4:159**  
Nonpayment proceedings, substituted service, **14:177**  
Rent and other charges, additional occupants, **4:98**

**CITIZENSHIP**  
Disabled persons, discrimination against, **5:188**

**CIVIL RIGHTS ACT OF 1866**  
Generally, **5:52-5:56**  
Contract rights, **5:54**  
Property rights, **5:55**  
Religion, **5:53**  
Remedies. **Discrimination** (this index)  
Statute of limitations, **5:199**  
Zoning measures, **5:56**

**CIVIL RIGHTS ACT OF 1964, TITLE VII**  
Generally, **5:57**

**CIVIL RIGHTS LAW (NY)**  
Generally, **5:95-5:98**  
Cooperative ownership, discriminatory opposition to transfer of, **5:96**

<b>CIVIL RIGHTS LAW (NY)—Cont'd</b>	<b>COMMON AREAS</b>
Disabled persons may keep assistance dogs, <b>5:97</b>	Warranty of habitability, <b>9:39, 9:40</b>
Public housing, <b>5:98</b>	<b>COMMON LAW</b>
Remedies. <b>Discrimination</b> (this index)	Discrimination, <b>5:4</b>
<b>CLASS ACTIONS</b>	Illegal evictions, <b>16:375, 16:376</b>
Article 78 proceedings, <b>17:112</b>	Multiple dwelling law, <b>12:68</b>
<b>CLEAN AIR ACT</b>	Nonpayment proceedings, <b>14:2</b>
<b>Air Pollution Prevention and Control Act</b> (this index)	Warranty of habitability, <b>9:2</b>
<b>CLEAN HANDS</b>	<b>COMMUNICATION WITH OPPOSING PARTIES</b>
Maintenance and repairs, economic infeasibility defense, <b>10:97</b>	Generally, <b>1:113-1:122</b>
<b>CLEAN WATER ACT</b>	Advice to opposing parties, <b>1:115</b>
<b>Water Pollution Control Act</b> (this index)	Clients, communications between, <b>1:116</b>
<b>CLIENT MEETING</b>	Employees of adverse party, <b>1:114</b>
<b>Initial Client Meeting</b> (this index)	Improper statements to adversaries, <b>1:117, 1:118</b>
<b>CLOSING FORMALITIES</b>	Judges and other adjudicatory officers, statements concerning, <b>1:120</b>
<b>Lease Agreements</b> (this index)	Reporting of misconduct, duty, <b>1:121</b>
<b>CODE OF PROFESSIONAL RESPONSIBILITY</b>	Treatment of persons involved in legal proceedings, standard for, <b>1:119</b>
Initial client meeting, conflict of interest, <b>1:5-1:7</b>	<b>COMPARATIVE HARDSHIP FORMULA</b>
<b>COLLATERAL ESTOPPEL</b>	Rent control and rent stabilization, <b>11:301</b>
Article 78 proceedings, <b>17:179-17:181</b>	<b>COMPETENCE OF ATTORNEY</b>
<b>COLLECTION LETTER</b>	Generally, <b>1:35-1:44</b>
Consumer collection letter, <b>1:178</b>	Association with other attorney where competence lacking, <b>1:39</b>
<b>COLLUSION</b>	Defined, <b>1:36, 1:37</b>
Nonpayment proceedings, vacatur of stipulations, <b>14:443</b>	Diligence, duty of, <b>1:37</b>
<b>COMITY</b>	Discipline for lack of competence, <b>1:40</b>
Petition for administrative review, <b>17:94</b>	Options where competence lacking, <b>1:38, 1:39</b>
<b>COMMINGLING OF FUNDS</b>	Supervision of other attorneys and employees, <b>1:41</b>
<b>Security Deposits</b> (this index)	Unadmitted status of attorney, disclosure of, <b>1:44</b>
<b>COMMISSION ON HUMAN RIGHTS</b>	Unauthorized practice of law, aiding prohibited, <b>1:42-1:44</b>
Human Rights Law (NYC), administration of, <b>5:107</b>	

## INDEX

**COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980**  
Generally, **12:129-12:134**  
Applicability, **12:130**  
Former owners, liability of, **12:133**  
Joint liability of owner and tenant, **12:132**  
Penalties, **12:134**  
Strict liability, **12:131-12:133**

**COMPROMISE AND SETTLEMENT**  
**Article 7-A Proceedings** (this index)  
HP proceedings, fines, **16:302 et seq.**  
Nonpayment proceedings, **14:367-14:369**

**COMPULSORY COUNTERCLAIMS**  
Nonpayment proceedings, **14:238**

**CONCURRENT JURISDICTION**  
Human Rights Law (NY), **5:94**  
**Rent Control and Rent Stabilization** (this index)

**CONDEMNATION**  
**Eminent Domain** (this index)

**CONDITION OF PREMISES**  
Generally, **4:161-4:167, 10:56-10:81**  
Americans With Disabilities Act, inspections, **4:166**  
Building violations, inspections, **4:167**  
Commercial premises generally, **10:57-10:64**  
breach, establishment of, **10:59**  
duty to maintain premises over which landlord retains control, **10:58**  
equitable relief, **10:64**  
remedies, **10:60-10:64**  
rent, suspension of, **10:61**  
surrender of possession, **10:62, 10:63**  
waiver, surrender of possession, **10:63**

**CONDITION OF PREMISES**  
—Cont'd  
Condominiums, **10:68**  
Cooperative apartments, **10:68**  
Defects, inspections, **4:165**  
Deterioration, inspections, **4:165**  
Distinct and independent nature of protection, **10:66, 10:67**  
Equitable relief, **10:64, 10:76-10:78**  
Government landlords, **10:67**  
Health codes, violations of, **10:72**  
Human habitation, fitness for, **10:70**  
Inspections, **4:164-4:167**  
Latent defects, freedom from, **10:71, 10:72**  
**Maintenance and Repairs** (this index)  
Neighboring tenants, conduct of, **10:70**  
Patent defects, freedom from, **10:71, 10:72**  
Preliminary injunctive relief, **10:77**  
Property damage recovery under statute, **10:80**  
Punitive damages, **10:75**  
Quiet enjoyment, **4:163**  
Remedies, **10:73-10:79**  
Rent, suspension of, **10:61**  
Repairs. **Maintenance and Repairs** (this index)  
Residential premises, **10:65-10:81**  
Safety violations, **4:167, 10:72**  
Service of intended residential function, **10:70**  
Set-offs, **10:74**  
Statutory violation, establishment if, **10:69-10:72**  
Surrender of possession, **10:62, 10:63, 10:79**  
Waiver, **10:63, 10:81**  
Warranty of habitability, **4:162**  
Withholding of rent, **10:74**

**CONDOMINIUMS**  
**Cooperatives and Condominiums** (this index)

**CONFLICTS OF INTEREST**  
Generally, **1:55-1:68**

**CONFLICTS OF INTEREST**

—Cont'd

- Adverse party currently client, **1:57**
- Adverse party formerly client, **1:58, 1:59**
- Consent of clients to multiple representation, **1:63**
- Evaluation of circumstances, multiple clients, **1:61**
- Initial client meeting, **1:4-1:7**
- Interest of attorney in matter, **1:65**
- Limitations on multiple client representation, **1:62**
- Multiple clients, **1:60-1:63**
- "Of counsel" designation implications, **1:56**
- Organizations, representation of, **1:64**
- Withdrawal as counsel when attorney becomes witness, **1:66-1:68**
- Witness, withdrawal as counsel when attorney becomes, **1:66-1:68**

**CONSENT JUDGMENTS**

- Nonpayment proceedings, **14:429**

**CONSENT OR APPROVAL**

- Article 7-A proceedings, removal of administrator, **16:158**
- Attorneys' fees, division among attorneys, **1:86, 1:91**
- Conflicts of interest, multiple representation, **1:63**
- Fair Housing Act, **5:40**
- Fee sharing, client consent required after full disclosure, **1:86**
- Rent control and rent stabilization, **11:226, 11:227, 11:232-11:234**
- Roommates, **3:47**
- Squatters and intruders, **3:87-3:89**
- Subleases and Assignments** (this index)
- Waste, **10:136**

**CONSEQUENTIAL DAMAGES**

- Quiet enjoyment, **10:50**

**CONSIDERATION**

- Possession of property, **8:16**

**CONSOLIDATION OF CASES**

- Rent Strikes** (this index)

**CONSPICUOUS-PLACE SERVICE**

- Nonpayment Proceedings** (this index)

**CONSTITUTIONAL LAW**

- Discrimination** (this index)
- Double jeopardy, criminal contempt, **16:318**
- Due Process** (this index)
- Lofts, 1987 amendment, **18:29**
- Rent control and rent stabilization, **11:5**
- Rent strikes, **16:7**
- Single room occupancy units (SROs), **18:242**

**CONSTRUCTION AND INTERPRETATION**

- Guests and lodgers, **3:59-3:61**

**CONSTRUCTIVE EVICTION**

- Illegal evictions, **16:372**
- Nonpayment proceedings, **14:333-14:337**
- Possession of property, **8:35-8:37**
- Quiet Enjoyment** (this index)
- Security deposits, refund upon termination of tenancy, **7:22**

**CONSTRUCTIVE NOTICE**

- Notice of Tenancy to Third Parties** (this index)
- Premises liability, foreseeability, **12:43**
- Recordation of lease agreements, **4:331, 4:332**
- Recreational use immunity, **12:199**

**CONSUMER PROTECTION ACT**

- Attorneys, **1:174**

**CONTEMPT**

- Generally, **16:308 et seq.**
- Application
  - civil contempt, **16:323**
  - criminal contempt, **16:322**
- Attorney, appointment of, **16:329**
- Attorneys' fees, **16:344**
- Civil contempt, **16:312, 16:313**
- Corporations, jury trial, **16:334**
- Criminal contempt, **16:310, 16:311**

## INDEX

### **CONTEMPT—Cont'd**

- Double jeopardy, criminal contempt, **16:318**
- Fines, **16:342**
- Forms
  - affidavit in support of motion, **16:478**
  - order to show cause, **16:477**
- Future contempts, **16:314**
- HP proceedings, **16:304, 16:305**
- Incarceration, **16:339, 16:341, 16:343**
- Jury trial
  - generally, **16:330 et seq.**
  - civil contempt, **16:335**
  - corporations, **16:334**
  - criminal contempt, **16:331 et seq.**
  - petty offense vs. serious offense, **16:332, 16:333**
- Notice requirements, **16:324**
- Procedure, **16:321**
- Repercussions of contempt finding
  - generally, **16:336 et seq.**
  - civil contempt, **16:337 et seq.**
  - criminal contempt, **16:340 et seq.**
  - fines, **16:342**
  - incarceration, **16:339, 16:341, 16:343**
- Service requirements, **16:326 et seq.**
- Standards of proof
  - generally, **16:315 et seq.**
  - civil contempt, **16:319, 16:320**
  - criminal contempt, **16:316 et seq.**
  - double jeopardy, criminal contempt, **16:318**
- Statutory authority, **16:309 et seq.**
- Warning on face of application, notice requirements, **16:325**

### **CONTINGENCY FEES**

- Attorneys, **1:73, 4:247**

### **CONTRACTS AND AGREEMENTS**

- Attorneys' Fees and Costs** (this index)
- Civil Rights Act of 1866, **5:54**
- Creation of tenancy, **2:46-2:50, 2:60, 2:61**

### **CONTRACTS AND AGREEMENTS**

- Cont'd**
- Exculpatory Agreements and Clauses** (this index)
- HOME Program, **19:108**
- Irrevocable license, **3:24**
- Lease Agreements** (this index)
- Premises Liability** (this index)

### **CONVERSION**

- Bankruptcy cases, **20:137, 20:169, 20:186, 20:227**
- Security deposits, commingling of funds, **7:10**

### **COOPERATIVES AND CONDOMINIUMS**

- Generally, **2:131-2:143**
- Civil Rights Law (NY), discriminatory opposition to transfer of ownership, **5:96**
- Condition of premises, **10:68**
- Discrimination, **5:224**
- Eviction plan, rights of non-purchasing rent-regulated tenants in conversion process, **2:139**
- Foreclosure of cooperative building, reversion to rent stabilization, **2:143**
- Holdover Proceedings** (this index)
- HP proceedings, **16:244**
- Nonpayment Proceedings** (this index)
- Pet law, applicability of, **2:137**
- Rent Control and Rent Stabilization** (this index)
- Repairs, responsibility for, **2:136**
- Senior citizens, **2:170**
- Sponsor-held units: post-conversion tenancy entitlements, **2:142**
- Status of owner or shareholder as tenant, **2:132-2:137**
- Succession rules, units held by non-purchasing rent-regulated tenants under non-eviction plan, **2:141**
- Summary nonpayment proceedings, **2:134**

**COOPERATIVES AND CONDOMINIUMS—Cont'd**  
Warranty of habitability, 2:135, 9:9, 9:19, 9:20, 9:25, 9:32, 9:33, 14:401

**CORPORATIONS**  
Contempt, jury trial, 16:334  
**Holdover Proceedings** (this index)  
**Nonpayment Proceedings** (this index)  
Parties to lease agreements, 4:34-4:36, 4:42  
Rent control and rent stabilization, recovery of unit for owner occupancy, 11:461

**COST OF LIVING INCREASES**  
Rent and other charges, 4:104

**COSTS**  
**Attorneys' Fees and Costs** (this index)  
**Bankruptcy** (this index)

**COUNSELING AS TO ALTERNATIVES**  
Generally, 1:125-1:141  
Confirmation of requests in writing, 1:129  
Division of authority between attorney and client, 1:130  
Evictions, 1:141  
Excessive rent payment, tenant response to, 1:139  
Guaranty of outcome, initial advice, 1:127  
Initial advice, 1:126-1:129  
Initial rent and security, 1:137-1:140  
Precautionary measures to circumvent security deposit disputes, 1:140  
Record-keeping in connection with rent regulated tenancies, 1:138  
Reinstatement of lease by actions of landlord, 1:134, 1:135  
Renewal lease offers may reinstate tenancy, 1:135  
Rent acceptance by landlord may prejudice case, 1:132-1:134  
Tactical considerations, 1:131-1:135

**COUNSELING AS TO ALTERNATIVES—Cont'd**  
Timetables and deadlines, 1:128  
Waiver, pre-termination rent acceptance may constitute, 1:133

**COUNTERCLAIMS**  
Lease agreements, 4:239, 4:240  
Nonpayment proceedings, 14:229-14:238  
Rent strikes, retaliatory eviction, 16:12  
Warranty of habitability, 9:92, 9:93, 9:111

**CREATION OF TENANCY**  
Generally, 2:1 *et seq.*  
Amount of rent charged, 2:43  
Commercial premises, 2:59, 2:92  
Contract, relationship created by, 2:46-2:50  
Contract law, leases subject to, 2:60, 2:61  
Conveyance of interest in property, 2:51-2:54  
Delegation of landlord's duty to repair, 2:90  
Delivery of lease, 2:52  
**Exclusivity of Possession** (this index)  
Fair dealing, covenant of, 2:94  
Good faith, covenant of, 2:94  
Habitability, implied warranty of, 2:57-2:59  
Implied contract, 2:49  
Implied warranty of habitability, 2:57-2:59  
**Landlord, Defined** (this index)  
Lease and leasehold, distinguished, 2:47  
Lease and management contract, distinguished, 2:48  
Luxury standard, implied warranty of habitability, 2:58  
Mitigation of damages, 2:61  
Net lease, effect on ownership, 2:53, 2:54  
**Notice of Tenancy to Third Parties** (this index)

## INDEX

**CREATION OF TENANCY—Cont'd**

- Obligations during tenancy, **2:88-2:94**
- Real estate taxes, liability for, **2:93**
- Real property law, leases subject to, **2:60, 2:61**
- Repair, duty to, **2:89-2:92**
- Residential premises, **2:56-2:59, 2:91**
- Rights during tenancy, **2:88-2:94**
- Rights of parties defined by lease, **2:55**
- Shelter and services, residential lease as contract for, **2:56-2:59**
- Taxes, liability for, **2:93**
- Tenant, Defined** (this index)
- Term or Duration of Tenancy** (this index)

**CRIMES AND CRIMINAL PROCEEDINGS**

- Article 7-A proceedings, **16:164**
- Premises Liability** (this index)

**CRIMINAL PENALTIES**

- Discrimination, **5:238**
- Illegal evictions, New York City, **16:454, 16:455**

**CURRENT MONTHLY INCOME**

- Bankruptcy** (this index)

**DAMAGES**

- Attorney malpractice, **1:155**
- Illegal Evictions** (this index)
- Maintenance and repairs, **10:94, 10:141**
- Mitigation of Damages** (this index)
- Possession of property, **8:17, 8:23-8:25, 8:39**
- Punitive Damages** (this index)
- Section 8 Housing program, **19:67, 19:68**
- Security deposits, offsets, **7:14, 7:15, 7:27, 7:28**
- Treble Damages** (this index)
- Warranty of habitability, **8:30-8:34, 9:103, 9:104, 9:106-9:113**
- Waste, **10:138, 13:151, 13:152**

**DANGER TO HUMAN LIFE**

- Article 7-A Proceedings** (this index)

**DATE**

- Time and Date** (this index)

**DEATH OF TENANT**

- Surrender of Possession** (this index)

**DECEIT**

- Fraud and Deceit** (this index)

**DECLARATORY RELIEF**

- Possession of property, **8:20, 8:22**

**DECREES**

- Judgments and Decrees** (this index)

**DEFAULT**

- Notice default, commercial property, **16:489**

**DEFENSES**

- Article 7-A proceedings, **16:89-16:97**
- Economic Infeasibility** (this index)
- HP proceedings, **16:277 et seq., 16:291**
- Lofts, untimely compliance or noncompliance, **18:89**
- Nonpayment Proceedings** (this index)
- Rent strikes, retaliatory eviction, **16:11**

**DEFINITENESS OF TERMS**

- Options, **4:297 et seq., 4:317**

**DEFINITIONS**

- Bankruptcy** (this index)
- Holdover Proceedings** (this index)

**DELAY**

- Ethics, **1:124**

**DELEGATION OF DUTY**

- Maintenance and repairs, **10:92, 19:95**
- Multiple dwelling law, **12:58**
- Premises liability, foreseeability, **12:47-12:49**

**DELIVERY**

- Creation of tenancy, **2:52**
- Lease agreements, **4:11**
- Possession of Property** (this index)

**DELIVERY TRUCKS**

Navigation Law § 181, **12:154**

**DEMAND FOR RENT**

**Nonpayment Proceedings** (this index)

**DE MINIMIS MATTERS**

Nonpayment proceedings stipulations, **14:434-14:436**

Rent control and rent stabilization, **11:399, 11:405**

**DEMOLITION OF PREMISES**

**Destruction or Demolition of Premises** (this index)

**DE NOVO REVIEW**

Article 78 proceedings, **17:129, 17:168**

**DEPARTMENT OF HOUSING AND COMMUNITY RENEWAL**

**Termination of Lease** (this index)

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Discrimination, **5:209**

Fair Housing Act, **5:24**

**DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT**

HP proceedings, **16:237-16:241**

Single room occupancy units (SROs), **18:245, 18:246**

**DEPOSITIONS**

“Poor person” proceedings, **16:347, 16:348**

**DEPOSITS INTO COURT**

**Article 7-A Proceedings** (this index)

**DEPRECIATION**

Lofts, fair market value, **18:163**

**DEPRIVATIONS OF POSSESSION**

**Possession of Property** (this index)

**DEREGULATION**

**Rent Control and Rent Stabilization** (this index)

**DESCRIPTION OF PREMISES**

Generally, **4:21, 4:47-4:53**

Adjoining space, **4:50-4:53**

Ambiguous description, **4:49**

Commercial leases, adjoining space, **4:51-4:53**

Definite and certain description required, **4:48**

Holdover proceedings, **15:259-15:262, 15:431-15:435**

Plot map of premises under construction, **4:53**

Prelease of space under construction, **4:52**

**DESTRUCTION OR DEMOLITION OF PREMISES**

Generally, **13:146-13:148**

Holdover proceedings, **15:47, 15:62, 15:66**

Lease agreements varying terms of statute, **13:148**

Procedure, **13:147**

**Rent Control and Rent Stabilization** (this index)

Surrender of possession, **8:52**

**Termination of Lease** (this index)

**DETERIORATION**

Condition of premises, inspections, **4:165**

**DHCR**

**Division of Housing and Community Renewal** (this index)

**DILIGENCE**

Competence of attorney, **1:37**

**DISABLED PERSONS**

**Americans With Disabilities Act** (this index)

Discrimination. **Disabled Persons, Discrimination Against** (this index)

Holdover proceedings exemption, **15:50, 15:58, 15:69**

**Lease Agreements** (this index)

Low-income housing trust-fund program, **19:254**

## INDEX

### **DISABLED PERSONS—Cont'd**

Rent control and rent stabilization, recovery of unit for owner occupancy, **11:469-11:475**  
Termination of lease, owner occupancy, **13:107, 13:113, 13:116, 13:118**

### **DISABLED PERSONS, DISCRIMINATION AGAINST**

Generally, **5:169-5:184**  
AIDS, persons with, **5:178, 5:183**  
Citizenship status, **5:188**  
Civil Rights Law (NY), assistance dogs, **5:97**  
Claims, reasonable accommodation, **5:177**  
Construction standards, **5:181**  
Definitions of "disability" or "handicap," **5:170-5:175**  
Fair Housing Act, **5:33**  
Fair housing laws, application of, **5:184**  
Federal law, definitions of "disability" or "handicap," **5:171, 5:172**  
Human Rights Law (NY), **5:81, 5:90**  
New York City  
    generally, **5:185-5:188**  
    citizenship status, **5:188**  
    definitions of "disability" or "handicap," **5:174, 5:175**  
    lawful occupation, **5:187**  
    sexual orientation, **5:185**  
No-pet clauses, reasonable accommodation, **5:180**  
Occupancy limits, **5:182**  
Parking, reasonable accommodation, **5:179**  
Reasonable accommodation, **5:176-5:180**  
Sexual orientation, **5:185**

### **DISCHARGE OF ADMINISTRATOR**

**Article 7-A Proceedings** (this index)

### **DISCIPLINE**

Competence of attorney, **1:40**

### **DISCLOSURE**

Attorney's bar admission status, **1:44**  
Attorneys' fee agreement, **1:109**  
Lease agreements, **4:30**  
Lofts, improvements, **18:141-18:145**  
Nonpayment proceedings, **14:407-14:414**  
Premises liability, disclosure of property condition, **12:182 et seq.**

### **DISCRIMINATION**

Generally, **5:1-5:242**  
Administrative complaints, **5:193, 5:218, 5:230**  
**Age Discrimination** (this index)  
**Americans With Disabilities Act** (this index)  
Ancestry discrimination. **Nation Origin or Ancestry Discrimination** (this index)  
Attorneys' fees and costs, **4:258, 5:102, 5:214, 5:215**  
Child-bearing restriction, **5:104**  
Children, discrimination against generally, **5:100-5:103**  
attorneys' fees, prevailing party entitled to, **5:102**  
exemptions, **5:103**  
penalties and remedies, **5:101**  
Civil court actions, **5:194, 5:219, 5:231, 5:240**  
**Civil Rights Act of 1866** (this index)  
Civil Rights Act of 1964, Title VII, **5:57**  
Civil Rights Act of 1968. **Fair Housing Act** (this index)  
**Civil Rights Law (NY)** (this index)  
Commercial tenancies, **5:3**  
Common law, **5:4**  
Constitutional law  
    generally, **5:5-5:21**  
    discriminatory impact and intent, equal protection, **5:9, 5:10**  
    equal protection, **5:8-5:12, 5:18**  
    general welfare, promotion of, **5:13, 5:19, 5:20**  
    government action vs. private action, **5:11, 5:12**

**DISCRIMINATION—Cont'd**

Constitutional law—Cont'd  
 low income housing, zoning or  
 building of, **5:20**  
 New York State Constitution, **5:17-5:21**  
 reversionary interest and economic  
 return not adversely impacted,  
 taking of private property,  
**5:15**  
 shelter or housing, no  
 constitutional guarantee of,  
**5:7**  
 taking of private property, **5:14, 5:15, 5:21**  
 U.S. Constitution, **5:6-5:16**  
 Cooperative apartment seller, action  
 by, **5:224**  
 Counseling organization, action when  
 resources expended to stem  
 discrimination, **5:203**  
 County housing discrimination laws,  
**5:125**  
 Criminal penalties, **5:238**  
 Department of Housing and Urban  
 Development, action against,  
**5:209**  
**Disabled Persons, Discrimination  
 Against** (this index)  
 Equal protection, **5:8-5:12, 5:18**  
**Fair Housing Act** (this index)  
**Family or Marital Status  
 Discrimination** (this index)  
 Federal statutes, generally, **5:22-5:69**  
 Forms  
 generally, **5:239-5:242**  
 federal complaint for declaratory  
 judgment, injunctive relief,  
 and damages, **5:240**  
 legal apartment application, **5:239**  
 New York City Human Rights  
 Commission complaint, **5:242**  
 New York State Division of  
 Human Rights complaint,  
**5:241**  
 U.S. Department of Housing and  
 Urban Development, **5:243**  
**Gender Discrimination** (this index)

**DISCRIMINATION—Cont'd**

General welfare, promotion of, **5:13, 5:19, 5:20**  
 Government action vs. private action,  
**5:11, 5:12**  
 Hotel association, action on behalf of  
 disabled residents, **5:205**  
**Human Rights Law (NY)** (this  
 index)  
**Human Rights Law (NYC)** (this  
 index)  
 Illegal "discriminatory practices,"  
 defined, **5:2**  
 Injunctive relief, **5:211, 5:235, 5:236**  
 Injury in fact, standing to sue, **5:201-5:206**  
 Lease agreements, **4:155-4:160**  
 Low income housing, zoning or  
 building of, **5:20**  
 Marital status discrimination. **Family  
 or Marital Status Discrimina-  
 tion** (this index)  
**Nation Origin or Ancestry  
 Discrimination** (this index)  
 New York City statutes, **5:105-5:124**  
 New York State statutes, **5:70-5:104**  
 Partnership status, **5:186**  
 Penalties, **5:101, 5:216, 5:237, 5:238**  
 Preliminary injunction, **5:228**  
 Property related prohibitions, **5:99**  
 Protected categories, **5:126-5:187**  
 Punitive damages, **5:212, 5:213, 5:226, 5:227**  
**Race Discrimination** (this index)  
 Rehabilitation Act, **5:58, 5:59**  
**Religious Discrimination** (this  
 index)  
 Remedies under federal law  
 generally, **5:192-5:216**  
 administrative complaint, **5:193**  
 administrative proceedings,  
 attorneys' fees and costs,  
**5:215**  
 attorneys' fees and costs, **5:214, 5:215**  
 civil court actions, **5:194**  
 counseling organization, action  
 when resources expended to  
 stem discrimination, **5:203**

## INDEX

### **DISCRIMINATION—Cont'd**

Remedies under federal law—Cont'd  
Department of Housing and Urban Development, action against, **5:209**  
form, federal complaint for declaratory judgment, injunctive relief, and damages, **5:240**  
hotel association, action on behalf of disabled residents, **5:205**  
injunctive relief, **5:211**  
injury in fact, standing to sue, **5:201-5:206**  
nonminority plaintiffs, no loss of associational benefits, **5:206**  
penalties, **5:216**  
persons who can be sued, **5:207, 5:208**  
punitive damages, **5:212, 5:213**  
racial steering, action by municipality against real estate brokers, **5:204**  
standing to sue, **5:200-5:209**  
statute of limitations, **5:195-5:199**  
zoning ordinance, action by developers, **5:204**  
Remedies under New York City law generally, **5:229-5:238**  
administrative complaints, **5:230**  
civil court actions, **5:231**  
civil penalties, **5:237**  
criminal penalties, **5:238**  
injunctive relief, **5:235, 5:236**  
New York City Human Rights Commission complaint, **5:242**  
penalties, **5:237, 5:238**  
standing to sue, **5:233**  
statute of limitations, **5:232**  
Remedies under New York State law generally, **5:217-5:228**  
administrative complaints, **5:218**  
civil court actions, **5:219**  
commercial plaintiffs, **5:223**  
cooperative apartment seller, action by, **5:224**  
New York State Division of Human Rights complaint, **5:241**

### **DISCRIMINATION—Cont'd**

Remedies under New York State law—Cont'd  
preliminary injunction, **5:228**  
punitive damages, **5:226, 5:227**  
standing to sue, **5:221-5:224**  
statute of limitations, **5:220**  
white prospective tenant with black roommate, action by, **5:222**  
Reversionary interest and economic return not adversely impacted, taking of private property, **5:15**  
Sex discrimination. **Gender Discrimination** (this index)  
Standing to sue, **5:200-5:209, 5:221-5:224, 5:233**  
Statute of limitations, **5:195-5:199, 5:220, 5:232**  
Statutory protections, **5:4-5:122**  
Taking of private property, **5:14, 5:15, 5:21**  
**Zoning** (this index)

### **DISHONORED CHECKS**

Fair Debt Collection Practices Act, **1:163**

### **DISHWASHERS**

Rent control and rent stabilization, **11:246**

### **DISMISSAL MOTIONS**

Nonpayment proceedings, **14:404, 14:463**

### **DISSOLUTION**

**Government Subsidized housing, New York State Programs** (this index)

### **DIVISION OF HOUSING AND COMMUNITY RENEWAL**

Administrative proceedings, commencement of, **17:2-17:4**  
**Article 7-A Proceedings** (this index)  
Article 78 proceedings, service, **17:148, 17:149**  
Opinion letters, **11:503**  
Petition for administrative review, **17:67, 17:68**

**DIVISION OF HOUSING AND  
COMMUNITY RENEWAL**

—Cont'd

Publications

advisory opinions, 11:504  
availability, 11:500  
fact sheets, 11:505-11:507  
operational bulletins, 11:501  
opinion letters, 11:503  
policy statements, 11:502  
regional, borough, and district rent  
office locations, 11:507-  
11:508

**Rent Control and Rent Stabiliza-  
tion** (this index)

Single room occupancy units (SROs),  
18:245, 18:247

**DOGS**

Nuisance, 13:97, 13:98

**DOMESTIC PARTNERS**

Licenses, 3:36  
Rent control and rent stabilization,  
11:328-11:329

**DOORKNOBS**

Warranty of habitability, 9:41

**DOOR LOCKS**

Multiple dwelling law, 12:64  
Warranty of habitability, 9:68

**DORMITORIES**

Americans With Disabilities Act,  
dormitories as public accom-  
modations, 5:63

**DOUBLE JEOPARDY**

Criminal contempt, 16:318

**DOUBLE RENT**

Surrender of possession, 8:58

**DRINKING WATER**

Lead poisoning, 12:74

**DRUG USE AND SALES**

Fair Housing Act, 5:50  
Immoral or illegal use of occupancy,  
13:74  
Nuisance, 13:92  
Warranty of habitability, 9:70

**DRYERS**

Rent control and rent stabilization,  
11:246

**DUE DILIGENCE**

Article 7-A proceedings, service of  
notice of petition and petition,  
16:79

**DUE PROCESS**

Administrative proceedings, 17:14  
Loan programs, federal, Section 221,  
19:165  
Section 8 Housing program, rent and  
rent increases, 19:52

**DURATION OF LEASE OR  
TENANCY**

**Term or Duration of Lease or  
Tenancy** (this index)

**EARLY TERMINATION**

**Abandonment or Early Termina-  
tion** (this index)

**ECONOMIC INFEASIBILITY**

Article 7-A proceedings, 16:94,  
16:95  
HP proceedings, 16:281, 16:282  
**Maintenance and Repairs** (this  
index)  
Nonpayment proceedings, discovery,  
14:410

**EDUCATIONAL INSTITUTIONS**

Rent control and rent stabilization,  
11:96-11:98

**EJECTMENT**

Illegal evictions, 16:424  
Possession of property, 8:19  
Yellowstone injunctions, 16:218

**ELDERLY PERSONS**

**Senior Citizens** (this index)

**ELECTRICAL CONVERSION**

Rent reduction based on, 11:253

**ELECTRIC LOCKS**

Religious discrimination, orthodox  
Jewish tenants, 5:136

## INDEX

**ELECTRONIC FUNDS TRANSFERS**  
Rent and other charges, **6:14**

**ELEVATOR SERVICE**  
Warranty of habitability, **9:42**

**EMERGENCY HOUSING RENT CONTROL LAW**  
Rent control and rent stabilization, **11:25, 11:33**

**EMERGENCY RENT PROTECTION ACT**  
Nuisance, procedure for termination, **13:102**

**EMERGENCY REPAIR PROGRAM**  
**HP Proceedings** (this index)

**EMERGENCY TENANT PROTECTION ACT**  
**Holdover Proceedings** (this index)  
Immoral or illegal use of occupancy, **13:83**  
**Rent Control and Rent Stabilization** (this index)  
**Termination of Lease** (this index)

**EMERGENCY TENANT PROTECTION REGULATIONS**  
Petition for administrative review, time to file, **17:59-17:65**

**EMINENT DOMAIN**  
Generally, **10:157-10:161**  
Compensation, right of tenant to receive, **10:161**  
Defined, **10:158**  
Procedures, **10:159**  
Rent, effect on obligation to pay, **10:160**

**EMOTIONAL DISTRESS**  
Holdover proceeding counterclaim, **15:377**  
Illegal evictions, **16:419**

**EMOTIONAL-SUPPORT ANIMALS**  
Holdover proceedings, **15:19**  
Termination of lease, **13:52**  
Written rental agreements, **4:197**

**EMPLOYER AND EMPLOYEE**  
Generally, **3:66-3:81**  
Communication with opposing parties, **1:114**  
Compensation, occupancy as, **3:73, 3:74**  
Direct employer, termination of employment agreement where landlord is not, **3:76**  
Exchange of tenancy for employment-occupancy, **3:69**  
Good cause for eviction, termination of employment, **3:77**  
Independence of occupancy and employment duties, **3:70**  
Independent right to possession, termination of employment, **3:78**  
Landlord, defined, **2:13**  
Landlord-tenant relationship nonexistent when occupancy contingent on employment relationship, **3:67-3:74**  
Nonpayment proceedings, **14:169**  
Prior tenancy not destroyed by employment relationship, **3:68, 3:69**  
Rent-regulation laws, **3:79-3:81**  
Subsequent tenancy, **3:71**  
Succession laws when employee was tenant, rent control, **3:81**  
Successive employment relationships, **3:72**  
Superintendent not tenant under rent control, **3:80**  
Termination of employment agreement, effect of, **3:75-3:78**

**ENFORCEMENT OF LEASE AGREEMENTS**  
Generally, **4:333 et seq.**  
Acceptance of rent with knowledge of breach by tenant, **4:342-4:344**  
All parts of contract, interpretation to give meaning to, **4:337**  
Assignee, acceptance of rent from unauthorized, **4:343**  
Default, acceptance of rent where tenant notified of, **4:344**  
Estoppel. Waiver and estoppel, below

**ENFORCEMENT OF LEASE AGREEMENTS—Cont'd**

Extrinsic evidence, **4:338**  
 "Four corners" rule, **4:334**  
 "Golub" notice, renewal lease issued before or after, **4:349, 15:520**  
 Interpretation of contracts, **4:333 et seq.**  
 Ordinary and plain meaning, **4:335**  
 Parol evidence, **4:338**  
 Public policy, waiver as violation of, **4:346**  
 Reasonable meaning, **4:336**  
 Regulated tenancy, creation by conduct of landlord, **4:347**  
 Renewal leases, **4:348, 4:349**  
 Waiver and estoppel generally, **4:339 et seq.**  
 acceptance of rent with knowledge of breach by tenant, **4:342-4:344**  
 assignee, acceptance of rent from unauthorized, **4:343**  
 default, acceptance of rent where tenant notified of, **4:344**  
 distinctions, **4:340**  
 "Golub" notice, renewal lease issued before or after, **4:349, 15:520**  
 litigation, renewal lease issued in accordance with requirements of regulatory scheme during course of ongoing, **4:348**  
 public policy, waiver as violation of, **4:346**  
 regulated tenancy, creation by conduct of landlord, **4:347**  
 renewal leases, **4:348, 4:349**  
 written agreement specifying no waiver, **4:345**  
 Written agreement specifying no waiver, **4:345**

**ENVIRONMENTAL CONSERVATION LAW**

Generally, **12:155-12:157**

**ENVIRONMENTAL LIABILITY**

Generally, **12:127-12:173, 12:179**  
 Adirondack Park Act, **12:158**

**ENVIRONMENTAL LIABILITY**

—Cont'd

Advisory boards, creation of, **12:158**  
**Air Pollution Prevention and Control Act** (this index)  
 Caveat emptor, fraudulent concealment, **12:173**  
 Chain of title, fraudulent concealment, **12:171**  
 Cities, legislation affecting, **12:158**  
**Clean Air Act. Air Pollution Prevention and Control Act** (this index)  
**Clean Water Act. Water Pollution Control Act** (this index)  
**Comprehensive Environmental Response, Compensation, and Liability Act of 1980** (this index)  
 Environmental Conservation Law, **12:155-12:157**  
 Federal law, **12:128-12:146**  
 Fraudulent concealment generally, **12:168-12:173**  
 caveat emptor, **12:173**  
 chain of title, **12:171**  
 dangerousness of condition as question of fact, **12:170**  
 disclose, duty to, **12:169**  
 statute of limitations, **12:172**  
 Hudson River Valley Greenway Act, **12:158**  
**Navigation Law § 181** (this index)  
 Negligence per se, **12:167**  
 New York State law, **12:147-12:157**  
**Nuisance**, **12:160-12:165**  
 Parties, actions for nuisance or trespass, **12:163**  
 Penalties, Environmental Conservation Law, **12:157**  
 Persons liable for nuisance or trespass, **12:164**  
 Regions, legislation affecting specific, **12:158**  
**Solid Waste Disposal Act** (this index)  
 Statute of limitations, **12:165, 12:172**  
 Trespass, **12:161-12:165**

## INDEX

**ENVIRONMENTAL LIABILITY**  
—Cont'd  
Uniform Land Use Procedures, New York City, **12:158**  
Waste, **12:166**  
**Water Pollution Control Act** (this index)

**EQUAL PROTECTION**  
Discrimination, **5:8-5:12, 5:18**

**EQUITABLE CONSIDERATIONS AND RELIEF**  
Condition of premises, **10:64, 10:76-10:78**  
Holdover proceedings, waiver of jury trial, **15:384**  
**Injunctive Relief** (this index)  
Nonpayment proceedings, waiver of jury trial, **14:244**  
Options, **4:313, 4:320**  
Possession of property, **10:36**  
**Preliminary Injunctions** (this index)

**ESCALATION CLAUSES**  
Lofts, rent regulation, **18:99, 18:100**  
Rent and other charges, **4:101, 4:357**

**ESSENTIAL SERVICES**  
**Rent Control and Rent Stabilization** (this index)

**ESTOPPEL**  
**Waiver and Estoppel** (this index)

**ETHICS**  
Generally, **1:34-1:68, 1:112-1:124**  
Attorneys' fees and costs, **1:81-1:83**  
Client motives, **1:45-1:54**  
**Communication with Opposing Parties** (this index)  
**Competence of Attorney** (this index)  
**Conflicts of Interest** (this index)  
Delay tactics, **1:124**  
**Frivolous Conduct** (this index)  
Improper purpose of client, **1:47**  
Merits of case, **1:45-1:54**

**EViction**  
**Constructive Eviction** (this index)  
**Holdover Proceedings** (this index)

**EViction—Cont'd**  
**Illegal Evictions** (this index)  
**Rent Control and Rent Stabilization** (this index)  
**Self-Help** (this index)

**EVIDENCE**  
**Administrative Proceedings** (this index)  
Article 78 proceedings, **17:130, 17:158**  
**Burden of proof. Presumptions and Burden of Proof** (this index)  
Immoral or illegal use of occupancy, **13:81**  
Maintenance and repairs, economic infeasibility defense, **10:96**  
**Presumptions and Burden of Proof** (this index)  
Rent strikes, **16:41**  
**Substantial Evidence** (this index)  
**Warranty of Habitability** (this index)  
Waste, **13:153**

**EXCLUSIONARY ZONING**  
**Zoning** (this index)

**EXCLUSIVITY OF POSSESSION**  
Generally, **2:28-2:32**  
Inspection, **2:31**  
Quiet enjoyment, right to, **2:29, 2:30**  
Repairs, **2:31**  
Reversion to landlord at end of tenancy, **2:32**  
Warranty of habitability, **2:30**

**EXCULPATORY AGREEMENTS AND CLAUSES**  
Lease agreements, **4:283**  
Premises liability, **12:120, 12:121, 12:125, 12:126**  
Unconscionability, **10:22**  
Warranty of habitability, **9:6**

**EXECUTIVE DIRECTOR**  
Lofts, rent regulation, **18:123**

**EXHAUSTION OF ADMINISTRATIVE REMEDIES**  
Article 78 proceedings, **17:114-17:119**

**EXPERT TESTIMONY**

Warranty of habitability, **9:104**

**EXTRINSIC EVIDENCE**

Enforcement of lease agreements, **4:338**

**FACT SHEETS**

Rent control and rent stabilization, **11:505-11:507**

**FAIR CREDIT REPORTING ACTS**

Holdover proceedings, counterclaims, **15:378**

Nonpayment proceedings, counterclaims, **14:237**

**FAIR DEALING**

Creation of tenancy, **2:94**

Rights and obligations of tenancy, **10:11**

**FAIR DEBT COLLECTION PRACTICES ACT**

Generally, **1:156-1:173**

Amount of potential damages, **1:165**

Application of act to landlord-tenant matters, **1:159**

Compliance with act, **1:166-1:175**

“Consumers,” protection of, **1:160**

Content of communication, **1:167-1:170**

“Debt collector,” attorney as, **1:157-1:159**

“Debts” covered, **1:161-1:164, 1:164**

Dishonored checks, **1:163**

“Initial communication” defined, **1:169**

Nonpayment proceedings, signature on written rent demand, **14:42**

Place of communication, **1:172**

Rental arrears as “debt,” **1:162**

Standard to determine whether communication violates act, **1:170**

Statute of limitations, **1:173**

Thirty day dispute, validation period, **1:168**

Timing of communication, **1:171**

**FAIR HOUSING ACT**

Generally, **5:23-5:51**

Advertising, discriminatory, **5:31**

**FAIR HOUSING ACT—Cont’d**

Consent is no defense, **5:40**

Construction of housing, **5:27**

Department of Housing and Urban Development, administration by, **5:24**

Disabled persons, failure to make housing accessible to, **5:33**

“Discriminatory housing practices” prohibited, **5:28-5:36**

Discriminatory impact and intent, equal protection, **5:10**

Drug convictions, persons with, **5:50**

Economic groups, **5:26**

Exemptions

generally, **5:45-5:51**

drug convictions, persons with, **5:50**

occupancy limits, **5:48**

older persons, discrimination against children by housing for, **5:49**

private clubs, **5:47**

religious organizations, **5:46**

small buildings/owners, **5:51**

Family or marital status discrimination, **5:150-5:152**

Financing, discrimination in, **5:34**

Good faith is no defense, **5:42**

Intent

generally, **5:38-5:43**

consent is no defense, **5:40**

discriminatory effect, **5:41-5:43**

establishment of intent, **5:39, 5:40**

good faith is no defense, **5:42**

legitimate justification, **5:43**

Legitimate justification, **5:43**

Misrepresentation of availability of housing, **5:30**

Occupancy limits, **5:48**

Older persons, discrimination against children by housing for, **5:49**

Prima facie case, **5:37**

Private clubs, **5:47**

“Protected classes,” specified, **5:25-5:27**

Racial steering, **5:35**

Refusing to rent or sell to members of protected classes, **5:29**

## INDEX

**FAIR HOUSING ACT—Cont'd**  
Religious organizations, **5:46**  
Remedies. **Discrimination** (this index)  
Services or rights, failure to provide, **5:32**  
Small buildings/owners, **5:51**  
Vicarious liability, **5:44**  
Zoning, exclusionary, **5:36**

**FAIR-MARKET RENT-APPEAL OF INITIAL RENT-STABILIZED RENT**  
**Rent Control and Rent Stabilization** (this index)

**FAIR MARKET VALUE**  
Lofts, improvements, **18:147, 18:160-18:163**  
Options, amount of rent, **4:300**

**FAIR TRIAL**  
Administrative proceedings, **17:13**

**FAMILY OR MARITAL STATUS DISCRIMINATION**  
Generally, **5:149-5:160**  
Children, individuals with, **5:150-5:152**  
Fair Housing Act, **5:150-5:152**  
New York City, sexual orientation, **5:155**  
New York laws, **5:153-5:155**  
Senior-housing exemptions, **5:156**  
Sexual orientation, **5:155**  
Single persons, **5:152**  
Succession of tenant by nontraditional family members, **5:157-5:159**  
Zoning, exclusionary, **5:160**

**FEDERAL HOUSING ACT**  
Statute of limitations, **5:196, 5:198**  
Vicarious liability, **5:198**

**FEES**  
HP proceedings, **16:271**  
**Rent Control and Rent Stabilization** (this index)

**FEE SHARING**  
Client consent required after full disclosure, **1:86**

**FICTITIOUS NAMES**  
Holdover proceedings, **15:229, 15:414**  
Nonpayment proceedings, **14:277**

**FILING**  
**Petition for Administrative Review** (this index)

**FINANCING**  
Fair Housing Act, **5:34**  
Human Rights Law (NY), **5:85, 5:86**  
Human Rights Law (NYC), **5:117**

**FINES**  
Contempt, **16:342**

**FIREMAN'S RULE**  
Generally, **12:203-12:207**  
Abolition of rule, **12:206**  
Application, **12:204**  
Exceptions, **12:205**  
Expansion of strict liability statutory causes of action, **12:207**

**FIRES AND FIRE SAFETY**  
Nuisance, **13:91**  
**Smoke Detectors** (this index)  
Strict liability, **12:107, 12:108**  
Warranty of habitability, fire detection equipment, **9:43, 9:73**

**FIXTURES**  
Generally, **10:153-10:156**  
Compensation for trade fixtures, **10:156**  
Tenant's right to remove trade fixtures, **10:155**  
Trade fixtures, defined, **10:154**

**FLOOR TILES**  
Warranty of habitability, **9:44**

**FORECLOSURE**  
Cooperative building, reversion to rent stabilization, **2:143**  
Notice of tenancy to third parties, **2:77-2:79, 2:87**

**FOREIGN CORPORATIONS**  
Nonpayment proceedings, statement of interest, **14:112, 14:113**

**FORESEEABILITY**  
Premises Liability (this index)

**FORFEITURE**  
Waste, **13:151, 13:152**

**FORMER JEOPARDY**  
Criminal contempt, **16:318**

**FORMS**  
**Article 7-A Proceedings** (this index)  
Attorney fee agreement, hourly rate, **1:177**  
Consumer collection letter, **1:178**  
**Contempt** (this index)  
**Discrimination** (this index)  
**HP Proceedings** (this index)  
**Illegal Evictions** (this index)  
Interview of client, checklist, **1:176**  
**Lease Agreements** (this index)  
Memoranda of lease, **2:173**  
**Nonpayment Proceedings** (this index)  
**Petition for Administrative Review** (this index)  
**“Poor Person” Proceedings** (this index)  
**Section 8 Housing Program** (this index)  
Senior citizens, residential lease termination, **2:174**  
**Yellowstone Injunctions** (this index)

**“FOUR CORNERS” RULE**  
Enforcement of lease agreements, **4:334**

**FRAUD AND DECEIT**  
Bankruptcy estate property, fraudulent transfers and obligations, **20:272-20:275**  
Fair Housing Act, **5:30**  
Human Rights Law (NY), availability of housing, **5:77**  
Lease agreements, **4:28, 4:267**  
Nonpayment proceedings, vacatur of stipulations, **14:443**

**FRAUD AND DECEIT—Cont’d**  
**Petition for Administrative Review** (this index)  
Subleases and assignments, **4:140**

**FRAUDS, STATUTE OF**  
**Statute of Frauds** (this index)

**FRAUDULENT CONCEALMENT**  
**Environmental Liability** (this index)

**FREEDOM OF INFORMATION LAW**  
Rent control and rent stabilization, registered rents and services, **11:176**

**FREEZING OF RENT**  
Rent control and rent stabilization, **11:199, 11:371**

**FRIABLE**  
Asbestos, **12:94**

**FRIVOLOUS CONDUCT**  
Generally, **1:49-1:54, 1:123**  
Certification of documents, **1:51**  
Defined, **1:50, 1:51**  
Discretionary allowances, **1:54**  
Hearing required, **1:53**  
Litigation practices, **1:123**  
Penalties, **1:52**

**FUEL COST ADJUSTMENTS FOR NEW YORK CITY RENT-CONTROLLED UNITS**  
**Rent Control and Rent Stabilization** (this index)

**FUMES**  
Warranty of habitability, **9:62**

**FURNISHED ROOMS**  
Rent control and rent stabilization, **11:64, 11:101**

**FUTILITY**  
Article 7-A proceedings, **16:96, 16:97**

**GARBAGE**  
Warranty of habitability, **9:45**

## INDEX

**GARDEN APARTMENT COMPLEXES**  
Rent control and rent stabilization, **11:77**

**GENDER DISCRIMINATION**  
Generally, **5:142-5:147**  
Gender identity or expression, **5:143**  
Same-sex composition of family unit, **5:148**  
Same-sex harassment, **5:147**  
Sexual harassment, **5:145, 5:146**  
Sexual orientation, **5:144**

**“GOLUB” NOTICE**  
Enforcement of lease agreements, **4:349, 15:520**

**GOOD CAUSE**  
Loan programs, federal, termination of tenancies, **19:136, 19:137**  
Nonpayment proceedings, vacatur of warrant, **14:494**

**GOOD FAITH**  
Creation of tenancy, **2:94**  
Fair Housing Act, **5:42**  
Lofts, improvements, **18:148**  
**Rent Control and Rent Stabilization** (this index)  
Rights and obligations of tenancy, **10:11**

**“GOOD GUY” CLAUSE**  
Guaranty clauses, **4:237, 4:358**

**GOODS AND MERCHANDISE**  
**Warehouse Sale** (this index)

**GOVERNING STATUTES AND REGULATIONS**  
**Rent Control and Rent Stabilization** (this index)

**GOVERNMENT SUBSIDIZED HOUSING, FEDERAL PROGRAMS**  
Generally, **19:1-19:182**  
**HOME Program** (this index)  
**Loan Programs, Federal** (this index)  
**Low-Income Housing Credits** (this index)

**GOVERNMENT SUBSIDIZED HOUSING, FEDERAL PROGRAMS—Cont’d**  
Rent-supplement assistance, **19:174**  
**Section 8 Housing Program** (this index)  
Warranty of habitability, **9:10**

**GOVERNMENT SUBSIDIZED HOUSING, NEW YORK CITY PROGRAMS**  
Generally, **19:287-19:304**  
421-a tax exemption, **19:302-19:304**  
**J-51 Program** (this index)  
**Loan programs, New York City** (this index)  
Rental agreement, 421-a tax exemption, **19:303**  
Rent and rent increases, 421-a tax exemption, **19:304**  
Senior Citizens Rent Increase Exemption Program, **19:301**  
Warranty of habitability, **9:10**

**GOVERNMENT SUBSIDIZED HOUSING, NEW YORK STATE PROGRAMS**  
Generally, **19:183-19:286**  
Abandonment, **19:222**  
Additional rent, **19:210**  
Admissions criteria, **19:200, 19:201**  
Certificate of no objection, dissolution, **19:228, 19:229**  
Dissolution  
generally, **19:226-19:235**  
certificate of no objection, **19:228, 19:229**  
content of notice of intent to dissolve, **19:231**  
final notice, **19:233**  
notice of intent to dissolve, **19:230-19:233**  
permitted dissolution, **19:227**  
public information meeting, **19:234**  
rent regulation, **19:235**  
tax exemption, **19:232**  
Final notice, dissolution, **19:233**  
Holdover proceedings, **19:223, 19:224**

**GOVERNMENT SUBSIDIZED HOUSING, NEW YORK STATE PROGRAMS—Cont'd**

Housing companies, **19:184-19:191**  
 Housing standards, **19:213, 19:214**  
 Income requirements, **19:193-19:195**  
 Increases in income requirements, **19:195**  
 Intra-project transfers, **19:199**  
 Leasing interview, **19:205**  
 Limited-dividend housing companies, **19:187**  
 Limited-profit housing companies, **19:185, 19:186**  
**Low-Income Housing Trust-Fund Program** (this index)  
**Low-Income Turnkey-Housing Trust Fund Program** (this index)  
 Mitchell-Lamas, **19:185, 19:186**  
 Nonpayment of rent, **19:221**  
 Notice  
     intent to dissolve, **19:230-19:233**  
     rent change, **19:209**  
 Obligations of parties  
     generally, **19:211-19:218**  
     housing standards, **19:213, 19:214**  
     landlord obligations, **19:212-19:216**  
     privacy of tenant information, **19:215**  
     security deposits, **19:218**  
     special services, **19:214**  
     tenant associations, **19:216**  
     tenant obligations, **19:217, 19:218**  
 Preferences, selection of tenants, **19:198**  
 Privacy of tenant information, **19:215**  
 Project rules and regulations, **19:219**  
 Public information meeting, dissolution, **19:234**  
 Redevelopment companies, **19:188-19:191**  
 Rental agreement  
     generally, **19:203-19:206**  
     leasing interview, **19:205**  
     staff apartments, **19:206**

**GOVERNMENT SUBSIDIZED HOUSING, NEW YORK STATE PROGRAMS—Cont'd**

Rent and rent increases  
     generally, **19:207-19:210**  
     additional rent, **19:210**  
     notice of rent change, **19:209**  
 Rent regulation, dissolution, **19:235**  
**Rural Rental Assistance Program**  
     (this index)  
 Security deposits, **19:218**  
 Selection of tenants  
     generally, **19:196-19:202**  
     admissions criteria, **19:200, 19:201**  
     intra-project transfers, **19:199**  
     preferences, **19:198**  
     senior citizen set-asides, **19:197**  
     succession entitlements, **19:202**  
 Senior citizens, **19:190, 19:197**  
 Special services, **19:214**  
 Staff apartments, **19:206**  
 Succession entitlements, **19:202**  
 Supervision of redevelopment companies, **19:189**  
 Tax exemption, dissolution, **19:232**  
 Termination of tenancy  
     generally, **19:220-19:225**  
     abandonment, **19:222**  
     holdover proceedings, **19:223, 19:224**  
     nonpayment of rent, **19:221**  
     procedure, **19:225**  
 Warranty of habitability, **9:10**  
**GROSS NEGLIGENCE**  
 Recreational use immunity, **12:202**  
**GUARANTORS**  
 Holdover proceedings  
     improper respondents, **15:430**  
     proper respondents, **15:226**  
**GUARANTY CLAUSES**  
 Generally, **4:225-4:237**  
 Ascertainable identity of guarantor, **4:46**  
 Assignments, **4:235**  
 Extension of time for payment as discharge of guarantor, **4:236**

## INDEX

**GUARANTY CLAUSES—Cont'd**  
Foreign guarantors, jurisdiction over, **4:229**  
“Good guy” clause, **4:237, 4:358**  
Landlord guaranty provisions, **4:226**  
Limitation on liability, **4:233-4:237**  
Personal liability of guarantors, **4:230**  
Recourse against guarantors  
    generally, **4:227-4:231**  
    foreign guarantors, jurisdiction over, **4:229**  
    personal liability, **4:230**  
    summary proceeding, joinder of guarantor as party, **4:231**  
    uninformed guarantor may be liable, **4:228**  
Renewal leases, **4:234**  
Rights of guarantors, **4:232**  
Subsequent change in nature of guarantee, **4:233**  
Summary proceeding, joinder of guarantor as party, **4:231**

**GUARDIANS AD LITEM**  
Generally, **16:457 et seq.**  
Mental Hygiene Law, distinguished, **16:460, 16:461**  
Procedural predicates, **16:458**  
Public policy, **16:459**

**GUESTS AND LODGERS**  
Generally, **3:53-3:65**  
Construction, rule of, **3:59-3:61**  
Extended occupancy may confer tenancy status, **3:56**  
Mixed-use hotels, transient hotel occupants, **3:64**  
New York City, transient hotel occupants, **3:63**  
Nonpayment proceedings, substituted service, **14:181**  
Personal contract, relationship as, **3:55, 3:56**  
Rent regulation of hotel rents, **3:65**  
Self-help eviction, **3:57**  
Social services, motel occupants placed by, **3:61**  
Summary proceedings, eviction, **3:58**  
Tenant, distinguished, **3:54-3:61**

**GUESTS AND LODGERS—Cont'd**  
Transient hotel occupants, **3:60, 3:62-3:65**

**HABITABILITY**  
**Warranty of Habitability** (this index)

**HALFWAY HOUSES**  
Americans With Disabilities Act, **5:64**

**HALL CARPETS**  
Warranty of habitability, **9:46**

**HALLWAY WINDOWS**  
Rent control and rent stabilization, **11:280**

**HANDICAPPED PERSONS**  
**Disabled Persons** (this index)

**HARASSMENT**  
Article 7-A proceedings, **16:133**  
Maintenance and repairs, New York City tenants in premises formerly used for manufacturing and warehouse purposes protected from, **10:89, 10:90**  
Rent control and rent stabilization, **11:406-11:408**  
**Single Room Occupancy Units (SROs)** (this index)

**HARDSHIP**  
Lofts, exemptions, **18:13, 18:14**  
**Rent Control and Rent Stabilization** (this index)

**HEALTH AND SAFETY**  
**Article 7-A Proceedings** (this index)  
Condition of premises, **4:167, 10:72**  
Nuisance, **13:91**  
Quiet enjoyment, violation of health and safety codes, **10:45**

**HEARINGS**  
**Administrative Proceedings** (this index)  
Frivolous conduct, **1:53**  
**Lofts** (this index)  
**Nonpayment Proceedings** (this index)

**HEARINGS—Cont'd**

- Rent control and rent stabilization, fair-market rent-appeal of initial rent-stabilized rent, **11:194**
- Rent strikes, abatements, **16:40, 16:41**

**HEARSAY EVIDENCE**

- Administrative proceedings, **17:30-17:33**

**HEAT AND HOT WATER**

- Air Conditioners and Air Conditioning** (this index)
- HP proceedings, **16:298**
- Rent control and rent stabilization, **11:403-11:405**
- Warranty of habitability, **9:47**

**HOLDOVER PROCEEDINGS**

- Generally, **15:1 et seq.**
- Acceptance of rent, defense, **15:484-15:491**
- Access, breach of covenant providing, **15:10**
- Access to rent-control premises, tenant's refusal to permit landlord, **15:41**
- Access to Rent Stabilized Code premises by landlord, tenant's refusal to permit, **15:52**
- Adjournments
  - generally, **15:576**
  - excessive adjournments by landlord, **15:579**
- NYC Civil Court
  - generally, **15:577**
  - content of notice of petition (NYC), **15:578**
- Affirmative defenses and counterclaims, trial procedures, **15:584**
- Against non-tenant
  - generally, **15:73-15:86**
  - cultivation agreement, occupant under, **15:75**
  - employment, occupancy incidental to, **15:86**
  - forcible or unlawful entry, **15:85**
  - foreclosure, occupant after, **15:78**
  - former owner, **15:83**

**HOLDOVER PROCEEDINGS**

**—Cont'd**

- Against non-tenant—Cont'd
  - former owner or occupant after tax sale, **15:77**
  - judgment debtor after execution sale, **15:74**
  - licensee, **15:80-15:82**
  - life estate, occupant after termination of, **15:79**
  - squatter, **15:76**
  - tax sale, former owner or occupant after, **15:77**
  - vendee in possession, **15:84**
- Agent as petitioner, **15:218, 15:219**
- Alterations, breach of covenant restricting, **15:11-15:15**
- Answer
  - generally, **15:355**
  - caption, **15:362**
  - content of answer
    - generally, **15:364**
    - counterclaims, below
    - defenses, **15:366**
    - denials, **15:365**
    - verification, **15:380**
  - counterclaims, below
  - default arising from failure to answer
  - defenses, content of answer, **15:366**
  - denials, **15:365**
  - excusable default, **15:388, 15:389**
  - form of answer
    - generally, **15:358**
    - caption, **15:362**
    - oral, **15:359**
    - quality, size, legibility, and language, **15:361**
    - service and filing, **15:363**
    - written, **15:360-15:361**
  - jury demand
    - generally, **15:381**
    - jury waivers, **15:383, 15:384**
    - when to make, **15:382**
  - meritorious defense, vacating default, **15:389**
  - oral, **15:359**

## INDEX

### HOLDOVER PROCEEDINGS

#### —Cont'd

Answer—Cont'd  
    quality, size, legibility, and  
    language, **15:361**  
service and filing, **15:363**  
timing of answer, **15:357**  
vacating a default arising from  
    failure to answer  
    generally, **15:386**  
    excusable default, **15:388**,  
        **15:389**  
    meritorious defense, **15:389**  
    required elements, **15:387**  
verification, **15:380**  
    who may answer, **15:356**  
    written form, **15:360-15:361**  
Assignee of rents as petitioner,  
    **15:220**  
Assignment, covenant not to assign,  
    **15:23**  
Attorney as improper petitioner,  
    **15:418**, **15:419**  
Attorney as petitioner, **15:218**,  
    **15:219**  
Attorney issuing notice of petition,  
    **15:405**  
Attorneys' fees  
    generally, **15:631 et seq.**  
    advance notice of intent to recover  
    fees may not be required,  
        **15:640**  
    American rule, **15:631**  
    bona fides of party's claim or  
    defense is not dispositive,  
        **15:638**  
    commercial tenants must negotiate  
    right to legal fees, **15:633**  
    counterclaims, **15:369**  
    entitlement predicated on  
        "ultimate outcome," **15:641**  
    prevailing party, **15:635**, **15:637**  
    proceedings resolved by stipulation,  
        **15:639**  
    residential tenants have reciprocal  
    rights, **15:632**  
    same action or proceeding, **15:642**  
    section 8 tenant, **15:643**  
    statutory tenancies, **15:634**

### HOLDOVER PROCEEDINGS

#### —Cont'd

Attorney verification  
    defects in, **15:459**  
    form, **15:656**  
    petition, **15:293**  
Certificates and certification  
    defenses, certificate of eviction  
        requirement, **15:474**  
    notice of termination, NYC Section 8 tenants, certification  
        procedure for, **15:206-15:208**  
Civil Court of City of NY (this  
    index)  
Closing arguments, trial procedures,  
    **15:585**  
Commercial lease  
    attorneys' fees, commercial tenants  
        must negotiate right to,  
            **15:633**  
    content of petition, **15:280**  
    service of process, **15:334-15:337**  
    staying warrant (commercial tenants), **15:627-15:629**  
Common law  
    antecedents, **15:2**  
    right to "self-help," **15:87**  
Condominiums  
    board of managers  
        as petitioner, **15:221**  
        petition defects as to parties' interests, **15:421**  
    unit occupied by unregulated tenant, **15:282**  
    unit owners as improper respondents, **15:428**  
Conform pleadings to the proof,  
    motion to, **15:588**  
Corporations  
    service of process, corporate respondent or employee,  
        **15:309-15:311**  
    statement of petitioner's interest  
        corporate petitioner, **15:247-15:249**  
        foreign corporations, **15:248-15:249**  
    statement of respondent's interest,  
        **15:253**

**HOLDOVER PROCEEDINGS**

—Cont'd

- Corporations—Cont'd
  - verification
    - corporate petitioner, **15:290**
    - form, **15:654**
- Counterclaims
  - generally, **15:367**
  - attorneys' fees, **15:369**
  - compulsory counterclaims exception, **15:379**
  - defective conditions, failure to disclose, **15:370**
  - exception for compulsory counterclaims, **15:379**
  - exception for "inextricably related" counterclaims, **15:368-15:374**
  - failure to disclose defective conditions, **15:370**
  - failure to provide utilities (electricity, heat, and/or hot water), **15:376**
- Fair Credit Reporting Act (federal and state) violations, **15:378**
- intentional infliction of mental and emotional distress, **15:377**
- mental and emotional distress, intentional infliction of, **15:377**
- rent overcharge, **15:371, 15:372**
- retaliatory eviction, **15:373**
- severance of unrelated counterclaims
  - generally, **15:375-15:378**
  - failure to provide utilities (electricity, heat, and/or hot water), **15:376**
  - intentional infliction of mental and emotional distress, **15:377**
- trial procedures, **15:584**
- utilities (electricity, heat, and/or hot water), failure to provide, **15:376**
- warranty of habitability, **15:374**
- Cultivation agreement, against occupant under, **15:75**

**HOLDOVER PROCEEDINGS**

—Cont'd

- Cure of lease violations
  - notice of cure, forms (Form 15-1), **15:644**
  - notice to cure, failure to serve, **15:469**
  - staying warrant (NYC residential tenants)
  - compare, when cure must be completed, **15:616**
  - compare, when post-judgment cure afforded tenant despite statutory nature of breach, **15:617**
  - extending cure period, **15:615**
  - stipulations to cure, **15:548, 15:658**
- Default arising from failure to answer generally, **15:385**
  - excusable default, **15:388, 15:389**
  - factual particulars, reciting, **15:391**
  - filings non-military affidavit generally, **15:390**
  - factual particulars, reciting, **15:391**
  - sanctions for irregularities, **15:392**
  - meritorious defense, **15:389**
  - sanctions for affidavit irregularities, **15:392**
  - vacating a default generally, **15:386**
    - excusable default, **15:388, 15:389**
    - meritorious defense, **15:389**
    - required elements, **15:387**
- Defenses
  - generally, **15:366, 15:393-15:15:517**
  - asserting alternative grounds for removal
    - generally, **15:454**
    - statement of service of predicate notices, defects in, **15:455-15:456**
    - verification, defects in, **15:457-15:459**
    - warranty of habitability, **15:460**

**HOLDOVER PROCEEDINGS****—Cont'd**

- Defenses—Cont'd
  - certificate of eviction requirement, **15:474**
  - description defective
    - generally, **15:431**
    - amendment of errors, **15:435**
    - apartment number missing or misidentified, **15:432**
    - incomplete description, **15:433**
    - omission of map or plan attached to pleadings, **15:434**
  - eviction
    - certificate of eviction requirement, **15:474**
    - retaliatory eviction, below
  - harassment
    - generally, **15:502-15:204**
    - commercial tenant, **15:504**
    - residential tenant, **15:503**
  - jurisdiction objections
    - affidavit of service, **15:400**
    - detailed and specific requirement, **15:396**
    - in personam jurisdiction, court lacks, **15:395-15:401**
    - NYC process server testimony, **15:398-15:399**
    - predicate notices defective, **15:394**
    - subject matter jurisdiction, court lacks, **15:393-15:394**
    - traverse hearings, **15:397-15:400**
    - waiver of service-related objections, **15:401**
  - nonprimary residence
    - generally, **15:475**
    - examples of defeated claims, **15:478**
    - examples of landlord's demonstration of, **15:477**
    - factors of pertinence, **15:476**
    - incurable nature of conduct, **15:479**
  - nonrenewal notice, accepting rent after, **15:488**

**HOLDOVER PROCEEDINGS****—Cont'd**

- Defenses—Cont'd
  - nonrenewal notice, defective generally, **15:471**
  - insufficient facts supporting grounds for nonrenewal, **15:472**
  - untimely notice, **15:473**
  - notice of petition, defects in generally, **15:403**
  - clerk's endorsement, **15:404**
  - court name and venue omitted, **15:408**
  - hearing date and time, **15:406**
  - issuance or notice by attorney or landlord, compared, **15:405**
  - misleading notice of petition, **15:407**
  - party's name or status, misstatement, **15:409**
  - party not in possession generally, **15:480**
  - factual determination, **15:483**
  - removal after proceeding's commencement, **15:482**
  - removal before proceeding's commencement, **15:481**
  - petition, defects in generally, **15:410**
  - agent
    - as improper petitioner, **15:418**
    - petitioner not identified as, **15:413**
  - attorney as improper petitioner, **15:418**
  - caption defects, **15:411-15:414**
  - description defective
    - generally, **15:431**
    - amendment of errors, **15:435**
    - apartment number missing or misidentified, **15:432**
    - incomplete description, **15:433**
    - omission of map or plan attached to pleadings, **15:434**

**HOLDOVER PROCEEDINGS**

—Cont'd

Defenses—Cont'd  
 petition, defects in—Cont'd  
 fictitious name, known respondent identified by, **15:229, 15:414**  
 multiple dwelling registration statement defects generally, **15:436**  
 authorization to get certified copy of statement, **15:443**  
 de facto multiple dwellings and lofts, **15:440**  
 failure to attach registration receipt to pleadings, **15:442, 15:443**  
 failure to register, **15:441**  
 field registration statement, errors or omissions as correctable, **15:444**  
 lapses in registrations are correctable, **15:439**  
 lofts and de facto multiple dwellings, **15:440**  
 recital errors are amendable, **15:438**  
 waiver of irregularity, **15:445**  
 whether registration requirements apply when no rent sought or no landlord-tenant relationship exists, **15:437**  
 parties' interests, defects as to generally, **15:415**  
 agent or attorney as improper petitioner, **15:418**  
 condominium board of managers, **15:421**  
 condominium unit owners as improper respondents, **15:428**  
 description defective, above former receiver as improper petitioner, **15:422**  
 guarantors as improper respondents, **15:430**  
 improper petitioners, **15:417-15:422**

**HOLDOVER PROCEEDINGS**

—Cont'd

Defenses—Cont'd  
 petition, defects in—Cont'd  
 parties' interests, defects as to —Cont'd  
 improper respondents, **15:427-15:430**  
 irregularity as basis for vacating default, **15:420**  
 power of attorney holder as improper petitioner, **15:419**  
 proper petitioners, **15:416**  
 proper respondents, **15:423-15:426**  
 section 8 tenants NYC as proper respondent, **15:425**  
 subtenants as proper respondents, **15:426**  
 tenant's estate as proper respondent, **15:424**  
 tenant's estate once lease expired as improper respondents, **15:429**  
 party's name or status, misstatement, **15:412**  
 recitation of facts authorizing removal, defects in generally, **15:450**  
 example, nonprimary residence (NYC), **15:452**  
 when landlord-tenant relationship absent, **15:451**  
 when unit is owner occupancy (NYC), **15:453**  
 rent-regulatory status statement defects generally, **15:446**  
 section 8 tenants NYC, **15:449**  
 subsidized housing, **15:448, 15:449**  
 whether failure to allege correct rent-regulatory status of premises is fatal defect, **15:447**  
 section 8 tenants NYC as proper respondent, **15:425**

**HOLDOVER PROCEEDINGS****—Cont'd**

- Defenses—Cont'd
  - petition, defects in—Cont'd
    - section 8 tenants NYC—Cont'd
      - rent-regulatory status statement defects, **15:449**
  - pleading-related defects, generally, **15:402-15:473**
  - predicate notice, defective or deficient generally, **15:461**
  - amendment of notice, **15:462**
  - equivocal notice, **15:468**
  - failure to serve notice
    - notice of termination, **15:470**
    - notice to cure, **15:469**
  - service of predicate notice, **15:466-15:467**
  - signatory improper generally, **15:463**
  - compare, no prior dealings, **15:465**
  - prior notice of authority, **15:464**
  - waiver of defects in statement of service of predicate notices, **15:456**
  - waiver of service objections, **15:467**
  - rent acceptance
    - generally, **15:484**
    - after proceeding's commencement, **15:490, 15:491**
    - before proceeding's commencement, **15:485-15:487**
  - mere receipt, consequences, **15:487**
  - reinstating regulated tenancy
    - after notice of nonrenewal, effect on, **15:488**
  - sufficiency to create tenancy, **15:486**
  - use and occupancy
    - distinguished, **15:491**
  - waiver as violating public policy, **15:489**
  - retaliatory eviction
    - generally, **15:492**

**HOLDOVER PROCEEDINGS****—Cont'd**

- Defenses—Cont'd
  - retaliatory eviction—Cont'd
    - not defense to nonpayment of rent, **15:494**
    - penalties, **15:501**
    - presumption of retaliation
      - complaint to governmental agency, **15:496**
      - judgment, inspection, or order issued against landlord, **15:498**
      - rebuttal of presumption, **15:499**
      - tenant sought to enforce rights against landlord, **15:497**
    - triggering elements, **15:495**
    - when not applicable, **15:500**
    - waiver of, **15:493**
  - succession rights to rent-regulated premises generally, **15:505**
  - companions, defined, **15:507-15:510**
  - family member, defined, **15:506**
  - length of occupancy, **15:511**
  - primary residence, **15:512**
  - verification defective generally, **15:457**
  - attorney's verification, **15:459**
  - notarial errors, **15:458**
  - waiver and estoppel
    - generally, **15:513**
    - compare, when renewal lease issues before or after "Golub" notice, **15:520**
  - compare, when renewal lease issues in accordance with regulatory scheme requirements during ongoing litigation, **15:519**
  - compare, whether landlord's conduct can create regulated tenancy, **15:518**
  - legitimate settlement negotiations, delay due to, **15:515**
  - nonwaiver clauses, **15:517**

**HOLDOVER PROCEEDINGS****—Cont'd**

- Defenses—Cont'd
  - waiver and estoppel—Cont'd
    - notice-related defects, statement of service of predicate notices, **15:456**
    - petition, defects in
      - multiple dwelling registration statement defects
      - waiver of irregularity, **15:445**
    - pets, **15:514**
    - predicate notice defective or deficient, waiver of service objections, **15:456, 15:467**
    - procedural infirmity, discontinuance on consent premised on, **15:516**
    - rent acceptance, waiver as violating public policy, **15:489**
    - retaliatory eviction, waiver of, **15:493**
    - statutory waivers, **15:514-15:515**
- Definitions
  - companions, **15:507-15:510**
  - family member, **15:506**
  - predicate notices, **15:92**
- Demolition
  - ETPA grounds, **15:66**
  - rent-control premises, **15:47**
  - RSC premises, **15:62**
- Denials in answer, **15:365**
- Description of premises
  - generally, **15:259, 15:431**
  - amendment of errors, **15:435**
  - apartment number
    - missing or misidentified, **15:432**
    - requirement, **15:260**
  - complete, **15:262**
  - defective
    - generally, **15:431**
    - amendment of errors, **15:435**
    - apartment number missing or misidentified, **15:432**
    - incomplete description, **15:433**

**HOLDOVER PROCEEDINGS****—Cont'd**

- Description of premises—Cont'd
  - defective—Cont'd
    - map or plan of premises not attached to pleadings, **15:434**
    - incomplete description, **15:433**
    - map or plan attached to petition omission of, **15:434**
    - required, **15:261**
- Disabled persons exemption, **15:49, 15:50, 15:58**
- Disclosure of defective conditions, failure to, **15:370**
- Dismiss, motion to, **15:523, 15:524, 15:587**
- Distinguished from nonpayment proceedings, **15:7**
- Duplicate key, breach of covenant to provide landlord with, **15:17**
- Emergency Tenant Protection Act ("ETPA"), grounds under generally, **15:63**
- access by landlord, tenant's refusal to permit, **15:64**
- demolition, **15:66**
- nonprimary residence, **15:67**
- owner occupancy generally, **15:68**
- exemption for senior citizen, the disabled, and long-term tenants, **15:69**
- maximum two units may be recovered, **15:70**
- renew lease, tenant's refusal to, **15:65**
- tenants, generally, **15:66**
- withdrawal of unit from rental market, **15:71**
- Emotional distress, counterclaim, **15:377**
- Emotional-support animals, **15:19**
- Employment, occupancy incidental to, **15:86**
- Estate of tenant as respondent, **15:224, 15:225**
- Estoppel, **15:526**

## INDEX

### HOLDOVER PROCEEDINGS

#### —Cont'd

Eviction  
certificate of eviction requirement, **15:474**  
defenses  
certificate of eviction requirement, **15:474**  
retaliatory eviction, below  
notice of eviction, content of  
generally, **15:599**  
additional notice of eviction  
after thirty days or stay of  
eviction, **15:603**  
calculating earliest eviction date, **15:600-15:602**  
distinguishing "eviction" and  
"legal possession," **15:605-15:608**  
inventory, preparation of written  
inventory, **15:604**  
items which may not be  
removed, **15:609**  
landlord's liability for remaining  
personalty, **15:608**  
parties against whom warrant  
enforceable, **15:612**  
Social Service Call-Ins, **15:611**  
notice of eviction and warrant,  
**15:598**  
remedy for default, final judgment  
and warrant of eviction,  
**15:552, 15:553**  
retaliatory eviction  
generally, **15:492**  
not defense to nonpayment of  
rent, **15:494**  
penalties, **15:501**  
presumption of retaliation  
complaint to governmental  
agency, **15:496**  
judgment, inspection, or order  
issued against landlord,  
**15:498**  
rebuttal of presumption,  
**15:499**  
tenant sought to enforce rights  
against landlord, **15:497**  
triggering elements, **15:495**

**HOLDOVER PROCEEDINGS**  
—Cont'd  
Eviction—Cont'd  
retaliatory eviction—Cont'd  
presumption of retaliation  
—Cont'd  
when not applicable, **15:500**  
waiver of retaliatory eviction  
defense, **15:493**  
termination grounds  
non-purchasing tenant in non-  
eviction conversion plan,  
**15:57**  
non-purchasing tenant under  
eviction conversion plan,  
**15:49, 15:50**  
warrant of eviction, **15:552,**  
**15:553, 15:598**  
Execution sale, against judgment  
debtor after, **15:74**  
Fair Credit Reporting Act (federal  
and state) violations,  
counterclaims, **15:378**  
Fees on fees, **15:636**  
Fictitious name, known respondent  
identified by, **15:229, 15:414**  
Forcible or unlawful entry, **15:85**  
Foreclosure, occupant after, **15:78**  
Former owner, **15:83**  
Former owner or occupant after tax  
sale, **15:77**  
Former receiver as petitioner, **15:222**  
Forms  
answer with counterclaim, **15:657**  
cure lease violation  
notice to cure (Form 15-1),  
**15:644**  
stipulation where tenant agrees  
to cure (Form 15-16),  
**15:658**  
nonrenewal, notice of, **15:645**  
notice  
cure, notice to (Form 15-1),  
**15:644**  
nonrenewal, notice of, **15:645**  
petition, notice of  
NYC Civil Court, **15:649**  
NYC Civil Courts, **15:649**  
NY State City Courts, **15:650**

**HOLDOVER PROCEEDINGS****—Cont'd**

Forms—Cont'd  
 notice—Cont'd  
 petition, notice of—Cont'd  
 NY State District Courts,  
**15:651**  
 quit, ten day notice to, **15:646**  
 termination, notice of, **15:648**  
 termination, thirty day notice of,  
**15:647**  
 NYC Civil Court notice of petition,  
**15:649**  
 NYC Civil Courts notice of petition,  
**15:649**  
 NY State City Courts notice of petition,  
**15:650**  
 NY State District Courts notice of petition,  
**15:651**  
 petition, holdover petition, **15:652**  
 petition, notice of  
 NYC Civil Court, **15:649**  
 NYC Civil Courts, **15:649**  
 NY State City Courts, **15:650**  
 NY State District Courts, **15:651**  
 quit, ten day notice to, **15:646**  
 renewal, notice of nonrenewal,  
**15:645**  
 stipulation where tenant agrees to  
 cure lease violation, **15:658**  
 vacate lease premises, **15:659**  
 ten day notice to quit, **15:646**  
 termination  
 notice of, **15:648**  
 thirty day notice of, **15:647**  
 thirty day notice of termination,  
**15:647**  
 vacate lease premises, stipulation  
 where tenant agrees to,  
**15:659**  
 verification  
 attorney verification form,  
**15:656**  
 corporate verification form,  
**15:654**  
 individual verification form,  
**15:653**  
 partnership verification form,  
**15:655**

**HOLDOVER PROCEEDINGS****—Cont'd**

Golub notice compared to waiver and estoppel, **15:520**  
 Governmental agency, retaliatory eviction complaint to, **15:496**  
 Governmental petitioner's verification, **15:292**  
 Governmental respondent  
 predicate notices, **15:198-15:204**  
 service of process, **15:313**  
 statement of respondent's interest,  
**15:256**  
 Government subsidized housing,  
 New York State programs,  
**19:223, 19:224**  
 Grounds for holdover proceeding  
 generally, **15:8-15:86**  
 access, breach of covenant providing, **15:10**  
 access to rent-control premises,  
 tenant's refusal to permit landlord, **15:41**  
 access to RSC premises by landlord, tenant's refusal to permit, **15:52**  
 against non-tenant  
 generally, **15:73-15:86**  
 cultivation agreement, occupant under, **15:75**  
 employment, occupancy incidental to, **15:86**  
 forcible or unlawful entry, **15:85**  
 foreclosure, occupant after, **15:78**  
 former owner, **15:83**  
 former owner or occupant after tax sale, **15:77**  
 judgment debtor after execution sale, **15:74**  
 licensee, **15:80-15:82**  
 life estate, occupant after termination of, **15:79**  
 squatter, **15:76**  
 tax sale, former owner or occupant after, **15:77**  
 vendee in possession, **15:84**  
 alterations, breach of covenant restricting, **15:11-15:15**

## INDEX

### HOLDOVER PROCEEDINGS

#### —Cont'd

Grounds for holdover proceeding  
—Cont'd  
demolition of rent-control  
premises, **15:47**  
demolition of RSC premises, **15:62**  
duplicate key, breach of covenant  
to provide landlord with,  
**15:17**  
Emergency Tenant Protection Act  
("ETPA"), grounds under  
generally, **15:63**  
access by landlord, tenant's  
refusal to permit, **15:64**  
demolition, **15:66**  
nonprimary residence, **15:67**  
owner occupancy, **15:68-15:70**  
renew lease, tenant's refusal to,  
**15:65**  
withdrawal of unit from rental  
market, **15:71**  
immoral or illegal use or  
occupancy, tenant's  
generally, **15:33**  
both landlords and tenants,  
proceedings maintainable  
by, **15:37-15:39**  
double jeopardy defense,  
unavailability, **15:36**  
evidence relevant, **15:38**  
nature and frequency of activity,  
**15:39**  
notice required for rent-  
regulated units, **15:35**  
NY Real Prop. Acts Law, Sec  
711(5), **15:34**  
licensee, proceeding against  
generally, **15:80**  
marital disputes exception,  
**15:81**  
mortgagee or vendee in posses-  
sion exception, **15:82**  
life estate, occupant after termina-  
tion of, **15:79**  
manufactured-home tenants, **15:72**  
nonprimary residence, RSC  
premises, **15:55**

### HOLDOVER PROCEEDINGS

#### —Cont'd

Grounds for holdover proceeding  
—Cont'd  
nonprofit institution recovery of  
RSC premises, **15:60**  
nuisance, **15:32**  
pets, breach of covenant to not to  
maintain, **15:18-15:20**  
profiteering, RSC premises, **15:59**  
renew lease, RSC tenant's refusal  
to, **15:53**  
rent, breach of covenant to pay,  
**15:21**  
rent-control, termination grounds  
under  
generally, **15:40**  
access to landlord, tenant's  
refusal to permit, **15:41**  
demolition, **15:47**  
non-purchasing tenant under  
eviction conversion plan,  
**15:49, 15:50**  
not using premises for own  
dwelling, tenant, **15:44-**  
**15:46**  
occupancy by landlord or imme-  
diate family, **15:42, 15:43**  
senior citizens and disabled  
persons exemption, **15:49,**  
**15:50**  
withdrawal of unit from rental  
market, **15:48**  
Rent Stabilization Code ("RSC"),  
grounds under  
generally, **15:51**  
access by landlord, tenant's  
refusal to permit, **15:52**  
demolition, **15:62**  
illegal sublease, **15:54**  
nonprimary residence, **15:55**  
nonprofit institution, recovery  
by, **15:60**  
owner occupancy  
generally, **15:56**  
non-purchasing tenants in  
"non-eviction" conver-  
sion plans, exemption,  
**15:57**

## HOLDOVER PROCEEDINGS

### —Cont'd

Grounds for holdover proceeding  
—Cont'd  
    Rent Stabilization Code ("RSC"),  
        grounds under—Cont'd  
        owner occupancy—Cont'd  
        senior citizens and disabled  
            persons, exemption,  
                **15:58**  
        profiteering, **15:59**  
        renew lease, tenant's refusal to,  
                **15:53**  
        withdrawal of unit from rental  
            market, **15:61**  
    security deposit, breach of cove-  
        nant to furnish landlord,  
                **15:22**  
    squatter, **15:76**  
    sublease of RSC premises illegal,  
                **15:54**  
    sublet or assign, breach of cove-  
        nant not to, **15:23**  
    substantial obligation of tenancy  
        breached by tenant  
        generally, **15:9**  
        access, covenant providing,  
                **15:10**  
        alterations, covenant restricting,  
                **15:11-15:15**  
            generally, **15:11**  
            structural vs non-structural  
                modifications, **15:12-**  
                **15:14**  
        tests used to ascertain differ-  
            ence, **15:15**  
    duplicate key, covenant to  
        provide landlord with,  
                **15:17**  
    pets, covenant to not to  
        maintain, **15:18**  
    rent, covenant to pay, **15:21**  
    security deposit, covenant to  
        furnish landlord, **15:22**  
    sublet or assign, covenant not to,  
                **15:23**  
    use and occupy premises for  
        specific purposes, covenant  
        to, **15:25**  
    use clauses, **15:26-15:29**

## HOLDOVER PROCEEDINGS

### —Cont'd

Grounds for holdover proceeding  
—Cont'd  
    substantial obligation of tenancy  
        breached by tenant—Cont'd  
        washing machine, covenant not  
            to install, **15:30**  
    use and occupy premises for  
        specific purposes, breach of  
            covenant to, **15:25**  
    use clauses breached by tenant  
        generally, **15:26**  
    NYC home occupations, **15:27**  
    permitted home occupations,  
                **15:28**  
    prohibited home occupations,  
                **15:29**  
    washing machine, breach of cove-  
        nant not to install, **15:30**  
    withdrawal of rent-control unit  
        from rental market, **15:48**  
    withdrawal of RSC unit from  
        rental market, **15:61**  
    Guarantors as improper respondents,  
                **15:430**  
    Guarantors as respondents, **15:226,**  
                **15:430**  
    Harassment  
        generally, **15:502-15:204**  
        commercial tenant, **15:504**  
        residential tenant, **15:503**  
    Hearing and trial  
        generally, **15:572-15:590**  
    adjournments  
        generally, **15:576**  
        excessive adjournments by  
            landlord, **15:579**  
    NYC Civil Court  
        generally, **15:577**  
        content of notice of petition  
            (NYC), **15:578**  
    trial motions  
        generally, **15:586**  
        conform pleadings to the proof,  
            motion to, **15:588**  
        dismiss, motion to, **15:587**  
    trial procedures  
        generally, **15:580**

## INDEX

### HOLDOVER PROCEEDINGS

#### —Cont'd

Hearing and trial—Cont'd  
trial procedures—Cont'd  
affirmative defenses and  
counterclaims, **15:584**  
opening statements, **15:581**  
prima facie case, petitioner's  
generally, **15:582**  
use and occupancy, **15:583**  
summations, **15:585**  
trier of fact  
generally, **15:573**  
NYC Civil Court Housing  
Judges, **15:574**  
Historical perspective, **15:1-15:3**  
Illegal rents, enforcement of stipula-  
tions, **15:456**  
Illegal sublease or subletting  
disclosure, ample need require-  
ment, **15:535**  
Rent Stabilization Code ("RSC"),  
grounds under, **15:54**  
Illegal use or occupancy, grounds  
generally, **15:33**  
both landlords and tenants,  
proceedings maintainable by,  
**15:37-15:39**  
double jeopardy defense, unavail-  
ability, **15:36**  
evidence relevant, **15:38**  
nature and frequency of activity,  
**15:39**  
notice, predicate notices, **15:102**  
notice required for rent-regulated  
units, **15:35**  
NY Real Prop. Acts Law, Sec  
**711(5), 15:34**  
Immoral or illegal use or occupancy,  
tenant's  
generally, **15:33**  
both landlords and tenants,  
proceedings maintainable by,  
**15:37-15:39**  
double jeopardy defense, unavail-  
ability, **15:36**  
evidence relevant, **15:38**  
nature and frequency of activity,  
**15:39**

### HOLDOVER PROCEEDINGS

#### —Cont'd

Immoral or illegal use or occupancy,  
tenant's—Cont'd  
notice required for rent-regulated  
units, **15:35**  
NY Real Prop. Acts Law, Sec  
**711(5), 15:34**  
Immoral use or occupancy, grounds  
generally, **15:33**  
both landlords and tenants,  
proceedings maintainable by,  
**15:37-15:39**  
double jeopardy defense, unavail-  
ability, **15:36**  
evidence relevant, **15:38**  
nature and frequency of activity,  
**15:39**  
notice required for rent-regulated  
units, **15:35**  
NY Real Prop. Acts Law, Sec  
**711(5), 15:34**  
predicate notices, **15:102**  
In personam jurisdiction, court lacks  
generally, **15:395**  
objection must be detailed and  
specific, **15:396**  
traverse hearings, **15:397-15:400**  
Intentional infliction of mental and  
emotional distress,  
counterclaim, **15:377**  
Joinder of tenant's estate when lease  
expires, **15:225**  
Judgment and warrant  
generally, **15:591-15:630**  
judgment  
generally, **15:591**  
amendments to judgment,  
**15:592**  
breach, stipulated amounts of  
interest recoverable, **15:596**  
defects, judgment, **15:593**  
enforcement of money judg-  
ment, **15:594**  
interest on money, **15:595-**  
**15:596**  
judicially imposed protections  
have not been sanctioned,  
**15:597**

**HOLDOVER PROCEEDINGS****—Cont'd**

Judgment and warrant—Cont'd  
    notice of eviction, and warrant,  
        **15:598**  
    notice of eviction, content of  
        generally, **15:599**  
        additional notice of eviction  
            after thirty days or stay of  
                eviction, **15:603**  
        calculating earliest eviction date,  
            **15:600-15:602**  
        distinguishing "eviction" and  
            "legal possession," **15:605**  
            **15:608**  
        inventory, preparation of written  
            inventory, **15:604**  
        items which may not be  
            removed, **15:609**  
        landlord's liability for remaining  
            personalty, **15:608**  
        parties against whom warrant  
            enforceable, **15:612**  
    Social Service Call-Ins, **15:611**  
staying warrant (commercial ten-  
ants)  
    generally, **15:627**  
    length of stay, not indefinite or  
        excessive, **15:629**  
    requirement tenant show entitle-  
        ment to stay, **15:628**  
staying warrant (NYC residential  
tenants)  
    generally, **15:613**  
    authorization by N.Y.C.P.L.R.  
        2281, **15:618**  
    entitlement to stay may not be  
        waiver  
            generally, **15:623**  
            additional stay-related relief,  
                **15:624**  
    referral of post-trial applica-  
        tions, **15:621-15:620**  
    when proceeding based on lease  
        violations  
            generally, **15:614**  
            compare, when cure must be  
                completed, **15:616**

**HOLDOVER PROCEEDINGS****—Cont'd**

Judgment and warrant—Cont'd  
    staying warrant (NYC residential  
        tenants)—Cont'd  
    when proceeding based on lease  
        violations—Cont'd  
        compare, when post-judgment  
            cure is afforded tenant  
                despite statutory nature  
                    of breach, **15:617**  
        extending cure period, **15:615**  
    when tenant cannot ascertain  
        new dwelling, **15:619**  
            **15:620**  
    staying warrant (outside NYC)  
        when inapplicable, **15:626**  
        when tenant cannot locate new  
            dwelling, **15:625**  
        vacating warrant, **15:630**  
Judgment debtor after execution sale,  
    **15:74**  
Jurisdiction  
    generally, **15:88**  
    in personam jurisdiction, court  
        lacks  
            generally, **15:395**  
        objection must be detailed and  
            specific, **15:396**  
    traverse hearings, **15:397**  
            **15:400**  
    subject matter jurisdiction, court  
        lacks  
            generally, **15:393**  
        defective predicate notices,  
            **15:394**  
    traverse hearings  
        generally, **15:397**  
        affidavit of service, **15:400**  
        testimony of process server in  
            NYC, **15:398-15:399**  
    waiver of service-related objec-  
        tions, **15:401**  
Jury trial  
    generally, **15:381**  
    equitable claims or defenses,  
        **15:384**  
    lease agreement waiving jury trial,  
        **15:383**

## INDEX

### HOLDOVER PROCEEDINGS

#### —Cont'd

- Jury trial—Cont'd
  - waivers, **15:383, 15:384**
  - when to make demand, **15:382**
- Licensee, against, **15:80-15:82**
- Licensee, proceeding against
  - generally, **15:80**
  - marital disputes exception, **15:81**
  - mortgagee or vendee in possession exception, **15:82**
- Life estate, occupant after termination of, **15:79**
- Lofts
  - generally, **18:178**
  - content of petition, **15:270**
  - grounds for holdover proceeding, **18:180, 18:181**
  - multiple-dwelling registration statement
    - non-NYC, **15:440**
    - NYC, **15:270**
  - notice, **18:183**
  - NYC multiple-dwelling registration statement, **15:270**
  - petition defects, **15:440**
  - registration, **18:179**
  - subletting grounds, **18:181**
- Manufactured-home tenants, **15:72**
- Mental and emotional distress, counterclaims, **15:377**
- Military service
  - affidavit of non-military status, **15:390-15:392**
  - notice of petition, **15:238**
- Motion practice
  - generally, **15:521-15:543**
  - bill of particulars
    - generally, **15:542**
    - compare, ample need, **15:541**
  - calendar practice, **15:522**
  - disclosure
    - generally, **15:528**
    - ample need requirement
      - generally, **15:529**
    - bill of particulars, compared, **15:541**
    - illegal subletting, **15:535**

### HOLDOVER PROCEEDINGS

#### —Cont'd

- Motion practice—Cont'd
  - disclosure—Cont'd
    - ample need requirement
      - Cont'd
        - medical issues, **15:537**
    - nonprimary residence, **15:531, 15:532**
    - owner's use, **15:533-15:534**
    - reciprocal disclosure, tenant's entitlement, **15:532**
    - succession rights, **15:536**
    - superfluous or cumulative disclosure discouraged, **15:534**
  - exceptions
    - generally, **15:538**
    - notice to admit, **15:539**
    - notice to produce, **15:540**
  - noncompliance, possessory judgment for, **15:541**
  - surveillance evidence, **15:530**
  - dismiss, motion to, **15:523, 15:524**
  - failure to oppose motion, **15:527**
  - predicate notices, impact of dismissal on, **15:524**
  - summary judgment, motion for, **15:525**
  - surveillance evidence, **15:530**

#### Multiple-dwelling registration

- authorization to get certified copy of statement, **15:443**
- authorization to secure certified copy of registration statement, NYC, **15:272, 15:273**
- de facto multiple dwellings
  - non-NYC, **15:440**
  - NYC, **15:269**
- defects regarding registration statement, generally, **15:436-15:445**
- failure to attach registration receipt to pleadings, **15:442**
- non-NYC, **15:443**
- NYC, **15:271**
- failure to register, **15:441**

**HOLDOVER PROCEEDINGS****—Cont'd**

- Multiple-dwelling registration
  - Cont'd
    - field registration statement, errors or omissions as correctable, **15:444**
    - lapses in registrations, correction after proceeding commenced non-NYC, **15:439**  
NYC, **15:273**
    - lofts
      - non-NYC, **15:440**
      - NYC, **15:270**
    - NYC premises, statement of multiple dwelling registration generally, **15:266**
    - apply when no rent sought or no landlord-tenant relationship exists, **15:267**
    - authorization to secure certified copy of registration statement, **15:272, 15:273**
    - de facto multiple dwellings, **15:269**
    - failure to attach registration receipt, **15:271**
    - lapse of registration, correction after proceeding commenced, **15:273**
    - lofts, **15:270**
    - what petition must allege, **15:268**
  - recital errors are amendable, **15:438**
  - waiver of irregularities in statement, **15:445**
  - what petition must allege, NYC, **15:268**
  - when no rent sought or no landlord-tenant relationship exists, whether to require statement
    - non-NYC, **15:437**
    - NYC, **15:267**
  - New York City Civil Court
    - notice of petition
      - form, **15:649**

**HOLDOVER PROCEEDINGS****—Cont'd**

- New York City Civil Courts
  - adjournments, **15:577-15:578**
  - Housing Judges as trier of fact, **15:574**
  - notice of petition
    - form, **15:649**
    - special rule, **15:211**
  - service of process, postcard requirement, residential cases only, **15:352-15:354**
- Nonpayment proceedings
  - distinguished, **15:7**
- Nonprimary residence, defense generally, **15:475**
  - examples of defeated claims, **15:478**
  - examples of landlord's demonstration of, **15:477**
  - factors of pertinence, **15:476**
  - incurable nature of conduct, **15:479**
- Nonprimary residence, RSC premises, **15:55**
- Nonprofit institution recovery of RSC premises, **15:60**
- Nonrenewal. notice of nonrenewal, below
- Notarial errors, verification defects, **15:458**
- Notice, predicate notices, below
- Notice of nonrenewal
  - generally, **15:119**
    - accepting rent after, **15:488**
    - defective, **15:471-15:473**
  - under ETPR
    - generally, **15:136**
    - nonprimary residence, **15:137**
    - owner occupancy, **15:138**
    - withdrawal from rental market, **15:139**
  - under RSC
    - generally, **15:120**
    - demolition, **15:135**
    - missing window period, consequences of, **15:121**
    - nonprimary residence, **15:122-15:128**

## INDEX

### HOLDOVER PROCEEDINGS

#### —Cont'd

Notice of nonrenewal—Cont'd  
under RSC—Cont'd  
nonprofit institution, recovery  
by, **15:133**  
owner occupancy, **15:129-15:132**  
withdrawal of unit from rental  
market, **15:134**  
Notice of petition  
Generally, **15:209-15:238**  
commencement by order to show  
cause, **15:212**  
content on notice  
generally, **15:230**  
date and time of hearing, **15:232**  
nonappearance of respondent,  
import of, **15:233**  
NYC, additional notice require-  
ments, **15:235**  
place of hearing, **15:231**  
relief landlord seeks, **15:234,**  
**15:235**  
form of notice  
generally, **15:213-15:229**  
caption, **15:215**  
language, **15:214**  
legibility, **15:214**  
NY State District Court, form,  
**15:632**  
parties, below  
quality, **15:214**  
size, **15:214**  
military service notice, **15:238**  
NYC Civil Court's special rule,  
**15:211**  
overview, **15:209**  
parties  
generally, **15:216**  
agent or attorney, **15:218,**  
**15:219**  
assignee of rents, **15:220**  
condominium board of manag-  
ers, **15:221**  
fictitious name, known respon-  
dent identified by, **15:229,**  
**15:414**  
former receiver, **15:222**

### HOLDOVER PROCEEDINGS

#### —Cont'd

Notice of petition—Cont'd  
parties—Cont'd  
guarantors, **15:226**  
joinder of tenant's estate when  
lease expires, **15:225**  
petitioner  
generally, **15:217**  
agent or attorney, **15:218,**  
**15:219**  
assignee of rents, **15:220**  
condominium board of  
managers, **15:221**  
former receiver, **15:222**  
respondents  
generally, **15:223**  
fictitious name, known  
respondent identified by,  
**15:229, 15:414**  
guarantors, **15:226**  
joinder of tenant's estate  
when lease expires,  
**15:225**  
section 8 tenants, NYC,  
**15:227, 15:425**  
subtenants, **15:228**  
tenant's estate, **15:224,**  
**15:225**  
section 8 tenants, NYC, **15:227,**  
**15:425**  
subtenants, **15:228**  
satisfying statutory requirements,  
Official Notice as, **15:236-**  
**15:238**  
show cause order, commencement  
by, **15:212**  
waiver of "no counterclaim" lease  
clause, **15:237**  
who may issue, **15:210-15:212**  
Notice to cure  
generally, **15:103**  
ETPA, **15:112-15:115**  
failure to serve notice, **15:469**  
forms, **15:644**  
lease-mandated  
generally, **15:104**  
conditional limitation and rent  
defaults, **15:105**

**HOLDOVER PROCEEDINGS****—Cont'd**

- Notice to cure—Cont'd
  - lease-mandated—Cont'd
    - content of notice, **15:106**
  - statute-mandated
    - generally, **15:107**
    - content of statutory notice
      - generally, **15:116**
      - examples, **15:117-15:118**
  - EPTA grounds, **15:112-15:115**
    - New York City Rent Control
      - violation of tenancy obligation, **15:109**
    - Rent Stabilization Law violation of tenancy obligation, **15:110-15:111**
    - State Rent Control violation of tenancy obligation, **15:108**
    - stipulation where tenant agrees to cure lease violation, **15:658**
  - Nuisance, **15:32**
  - Occupancy restrictions, **15:24**
  - Opening statements, **15:581**
  - Owner occupancy grounds under Emergency Tenant Protection Act ("ETPA")
    - generally, **15:68**
    - exemption for senior citizen, the disabled, and long-term tenants, **15:69**
    - maximum two units may be recovered, **15:70**
  - Parties
    - generally, **15:216**
    - agent or attorney, **15:218, 15:219**
    - assignee of rents, **15:220**
    - condominium board of managers, **15:221**
    - condominium unit owner, **15:428**
    - fictitious name, known respondent identified by, **15:229, 15:414**
    - former receiver, **15:222**
    - guarantors, **15:226, 15:430**
    - joinder of tenant's estate when lease expires, **15:225**
    - petitioner, **15:217-15:222**
    - prevailing party attorneys' fees, **15:635, 15:637**

**HOLDOVER PROCEEDINGS****—Cont'd**

- Parties—Cont'd
  - receiver, former, **15:222**
  - respondents, generally, **15:223-15:229**
  - section 8 tenants, NYC, **15:227, 15:425**
  - subtenants, **15:228**
- Partnership
  - petitioner verification, **15:291, 15:655**
  - respondent, service of process, **15:312**
- Party not in possession, defense generally, **15:480**
  - factual determination, **15:483**
  - removal after proceeding's commencement, **15:482**
  - removal before proceeding's commencement, **15:481**
- Petition
  - content of petition generally, **15:244**
  - certification statement, **15:277**
  - corporate petitioner's statement of interest, **15:247-15:249**
  - description of premises generally, **15:259**
    - apartment number requirement, **15:260**
    - complete, **15:262**
    - map or plan attached to petition, **15:261**
  - facts on which proceeding based, **15:264**
  - foreign corporation petitioner's statement of interest, **15:248-15:249**
  - relief sought, **15:286**
  - service of predicate notices, statement, **15:265**
  - square footage, use of, **15:263**
  - statement of multiple dwelling registration for NYC premises
    - generally, **15:266**
    - authorization to secure certified copy of registration

**HOLDOVER PROCEEDINGS****—Cont'd**

- Petition—Cont'd
  - content of petition—Cont'd
    - statement of multiple dwelling registration for NYC premises—Cont'd
      - statement, **15:272, 15:273**
    - de facto multiple dwellings, **15:269**
    - failure to attach registration receipt, **15:271**
    - lapse of registration, correction after proceeding commenced, **15:273**
    - lofts, **15:270**
    - what petition must allege, **15:268**
    - whether registration requirements apply when no rent sought or no landlord-tenant relationship exists, **15:267**
  - statement of petitioner's interest generally, **15:245**
    - corporate petitioner, **15:247-15:249**
    - detailed factual recitation not required, **15:246**
    - foreign corporations, **15:248-15:249**
  - statement of rent-regulatory status generally, **15:274**
    - applicability or exemption, rent regulation's commercial premises, **15:280**
      - condominium unit occupied by unregulated tenant, **15:282**
      - cooperative unit occupied by unregulated tenant, **15:281**
    - NYC, **15:279**
    - rent-controlled unit, **15:283**
    - rent-stabilized unit, **15:284**
    - two-family home, **15:285**

**HOLDOVER PROCEEDINGS****—Cont'd**

- Petition—Cont'd
  - content of petition—Cont'd
    - statement of rent-regulatory status—Cont'd
      - NYC section 8 tenants, **15:276-15:278**
      - subsidized housing, **15:275**
    - statement of respondent's interest generally, **15:250**
    - compare whether petition must recite dates of lease's execution, commencement, and expiration, **15:251**
    - corporate respondent, **15:253**
    - employee respondent, **15:254**
    - licensee respondent, **15:255**
    - municipal or governmental respondent, **15:256**
    - necessary parties, **15:252**
    - squatter respondent, **15:257**
    - unknown tenants, undertenants, or occupants, **15:258**
  - statement of service of predicate notices, **15:265**
    - form of petition generally, **15:240**
      - attorney's endorsement, **15:243**
      - caption, **15:241**
      - language, **15:240**
      - legibility, **15:240**
      - parties, **15:242**
      - quality, **15:240**
      - size, **15:240**
    - notice of petition, above notices, predicate content of petition, statement of service of predicate notices, **15:265**
  - overview, **15:239**
  - section 8 tenants, NYC statement of rent-regulatory status, **15:276-15:278**
  - verification generally, **15:287**

**HOLDOVER PROCEEDINGS****—Cont'd**

Petition—Cont'd  
 verification—Cont'd  
 attorney, **15:293**  
 corporate petitioner, **15:290**  
 form of verification, **15:288**  
 governmental petitioner, **15:292**  
 partnership petitioner, **15:291**  
 who may verify, **15:289-15:293**  
**Pets, 15:18-15:20, 15:514**  
**Predicate notices**  
 generally, **15:92-15:208**  
 amendment of notice, **15:97, 15:462**  
 cure, notice to  
 generally, **15:103-15:118**  
 failure to serve, **15:469**  
 lease-mandated, **15:104-15:106**  
 statute, required by, **15:104-15:118**  
 defective or deficient  
 generally, **15:461**  
 amendment of notice, **15:462**  
 equivocal notice, **15:468**  
 failure to serve notice  
 notice of termination, **15:470**  
 notice to cure, **15:469**  
 service of predicate notice, **15:466-15:467**  
 signatory improper  
 generally, **15:463**  
 compare, no prior dealings, **15:465**  
 prior notice of authority, **15:464**  
 waiver of defects in statement of service of predicate notices, **15:456**  
 waiver of service objections, **15:467**  
 defined, **15:92**  
 equivocal notice, **15:468**  
 expired lease, **15:98-15:101**  
 failure to serve notice  
 notice of termination, **15:470**  
 notice to cure, **15:469**  
 filing copies with DHCR, **15:114**

**HOLDOVER PROCEEDINGS****—Cont'd**

Predicate notices—Cont'd  
 illegal or immoral use or occupancy by unregulated tenant, **15:102**  
 nonrenewal, notice of generally, **15:119**  
 under ETPR, **15:136-15:139**  
 under RSC, **15:120-15:133**  
 quit, ten day notice to, **15:646**  
 service of predicate notice, **15:96, 15:466-15:467**  
 signatory improper generally, **15:463**  
 compare, no prior dealings, **15:465**  
 prior notice of authority, **15:464**  
 ten day notice to quit, **15:646**  
 termination, notice of generally, **15:140-15:208**  
 at will or at sufferance tenancy, **15:143-15:147**  
**ETPA tenants, 15:175-15:185**  
 federally-subsidized tenants, **15:205**  
 governmental and municipal tenants, notice of claim against, **15:198-15:204**  
 manufactured-home park tenants, **15:197**  
 month-to-month tenants, **15:155-15:162**  
 nonexistent landlord-tenant relationship, **15:148-15:154**  
**NYC rent-stabilized tenants, 15:163-15:174**  
**NYC Section 8 tenants, certification procedure for, 15:206-15:208**  
**rent-controlled tenants, 15:186-15:196**  
 when required by lease, **15:141**  
 when required by statute, generally, **15:142-15:208**  
 waiver of defects in statement of service of predicate notices, **15:456**

## INDEX

### HOLDOVER PROCEEDINGS

#### —Cont'd

Predicate notices—Cont'd  
waiver of service objections,  
**15:467**  
when not required  
generally, **15:98**  
expired lease, **15:98-15:101**  
illegal or immoral use or  
occupancy by unregulated  
tenant, **15:102**  
who may issue notice, **15:93-15:95**  
Presumptions  
retaliatory eviction, **15:495-15:501**  
service of process by mail,  
presumption of regularity and  
receipt, **15:339**  
signed agreement considered  
understood and accepted,  
**15:557**  
Process server  
affidavit of service, **15:400**  
inability to produce license or  
other records, **15:398**  
testimony, traverse hearings,  
**15:398**  
Profiteering, RSC premises, **15:59**  
Pro se litigants, **15:565, 15:575**  
Punitive lease valuations, unenforce-  
ability, **15:6**  
Purpose, **15:4-15:7**  
Quit, ten day notice to, **15:646**  
Receiver, former receiver as  
petitioner, **15:222**  
Renew lease, RSC tenant's refusal to,  
**15:53**  
Rent, breach of covenant to pay,  
**15:21**  
Rent acceptance, defense, **15:484-**  
**15:491**  
Rent-control, termination grounds  
under  
generally, **15:40**  
access to landlord, tenant's refusal  
to permit, **15:41**  
demolition, **15:47**  
non-purchasing tenant under evic-  
tion conversion plan, **15:49,**  
**15:50**

### HOLDOVER PROCEEDINGS

#### —Cont'd

Rent-control, termination grounds  
under—Cont'd  
not using premises for own dwell-  
ing, tenant, **15:44-15:46**  
occupancy by landlord or immedi-  
ate family, **15:42, 15:43**  
senior citizens and disabled  
persons exemption, **15:49,**  
**15:50**  
withdrawal of unit from rental  
market, **15:48**  
Rent overcharge  
counterclaims, **15:371, 15:372**  
enforcement of stipulations,  
**15:456**  
Rent Stabilization Code ("RSC"),  
grounds under  
generally, **15:51**  
access by landlord, tenant's refusal  
to permit, **15:52**  
demolition, **15:62**  
illegal sublease, **15:54**  
nonprimary residence, **15:55**  
nonprofit institution, recovery by,  
**15:60**  
owner occupancy  
generally, **15:56**  
non-purchasing tenants in "non-  
eviction" conversion plans,  
exemption, **15:57**  
senior citizens and disabled  
persons, exemption, **15:58**  
profiteering, **15:59**  
renew lease, tenant's refusal to,  
**15:53**  
withdrawal of unit from rental  
market, **15:61**  
Rent Stabilization Code ("RSC"),  
notice of nonrenewal under  
generally, **15:120**  
demolition, **15:135**  
missing window period, conse-  
quences of, **15:121**  
nonprimary residence, **15:122-**  
**15:128**  
nonprofit institution, recovery by,  
**15:133**

**HOLDOVER PROCEEDINGS****—Cont'd**

- Rent Stabilization Code ("RSC"), notice of nonrenewal under
  - Cont'd
    - owner occupancy, **15:129-15:132**
    - withdrawal of unit from rental market, **15:134**
  - Retaliatory eviction
    - generally, **15:492**
    - counterclaims, **15:373**
    - not defense to nonpayment of rent, **15:494**
    - penalties, **15:501**
    - presumption of retaliation
      - complaint to governmental agency, **15:496**
      - judgment, inspection, or order issued against landlord, **15:498**
      - rebuttal of presumption, **15:499**
      - tenant sought to enforce rights against landlord, **15:497**
      - triggering elements, **15:495**
      - when not applicable, **15:500**
    - waiver of retaliatory eviction defense, **15:493**
  - Satellite dishes, **15:16**
  - Section 8 tenants, NYC
    - attorney fees, **15:643**
    - notice of certification procedure for termination, **15:206-15:208**
    - rent-regulatory status statement defects, **15:449**
    - respondents, **15:227, 15:425**
  - Security deposit, breach of covenant to furnish landlord, **15:22**
  - Self-help, common law right to, **15:87**
  - Senior citizens exemption, **15:20, 15:49, 15:50, 15:58**
  - Service of process
    - generally, **15:294-15:354**
    - absent respondent
      - commercial tenants, **15:336, 15:337**
      - residential respondents, **15:332, 15:333**

**HOLDOVER PROCEEDINGS****—Cont'd**

- Service of process—Cont'd
  - affidavit of service, **15:400**
  - answer, **15:363**
  - commercial tenants
    - generally, **15:334**
    - during business hours, **15:335**
    - when respondent absent, **15:336, 15:337**
  - conspicuous place service
    - generally, **15:325**
    - absent respondent
      - commercial tenants, **15:336, 15:337**
      - residential respondents, **15:332, 15:333**
  - commercial tenants
    - generally, **15:334**
    - during business hours, **15:335**
    - when respondent absent, **15:336, 15:337**
  - mailing requirement
    - generally, **15:338**
    - presumption of regularity and receipt, **15:339**
  - reasonable application standard
    - generally, **15:326**
    - commercial tenants, **15:334-15:337**
    - residential respondents, **15:327-15:333**
  - residential respondents
    - generally, **15:327**
    - before normal work hours, **15:328**
    - during normal rest hours, **15:330**
    - during regular business hours, **15:329**
    - religious holidays, **15:331**
    - Sundays, **15:331**
    - weekends, **15:328**
    - when respondent absent, **15:332, 15:333**
    - when complete, **15:340**
  - corporate employee, **15:311**
  - corporate respondent, **15:309-15:311**

## INDEX

### HOLDOVER PROCEEDINGS

#### —Cont'd

Service of process—Cont'd  
defective filing of proof of service,  
**15:349**  
delivery to judge, filing proof of  
service, **15:351**  
employees of  
corporation, **15:311**  
landlord or building, **15:320**  
respondent, **15:318, 15:319**  
filing proof of service  
generally, **15:346**  
defects, filing, **15:349**  
delivery to judge, **15:351**  
late filings, **15:350**  
what to file, **15:348**  
when to file, **15:347**  
governmental respondent, **15:313**  
guests of respondent, **15:321**  
jurisdiction objections, **15:401**  
late filing of proof of service,  
**15:350**  
limiting statutory requirements,  
lease may not, **15:295**  
mailing requirement  
generally, **15:338, 15:341**  
business respondent, **15:343**  
conspicuous place service,  
**15:338, 15:339**  
individual respondent, **15:342**  
presumption of regularity and  
receipt, **15:339, 15:345**  
using full and complete address  
and zip, **15:344**  
methods of service  
generally, **15:304-15:340**  
conspicuous place service,  
above  
personal service, generally,  
**15:305-15:314**  
substituted service, generally,  
**15:315-15:322**  
minors, service on, **15:317**  
neighbors of respondent, **15:321**  
NYC Civil Court "postcard"  
requirement, residential cases  
only  
generally, **15:352**

### HOLDOVER PROCEEDINGS

#### —Cont'd

Service of process—Cont'd  
NYC Civil Court "postcard"  
requirement, residential cases  
only—Cont'd  
content of postcard, **15:353**  
sanction for noncompliance,  
**15:354**  
partnership respondent, **15:312**  
personal service  
generally, **15:305**  
corporate employee, **15:311**  
corporate respondent, **15:309-**  
**15:311**  
governmental respondent,  
**15:313**  
partnership respondent, **15:312**  
Secretary of State, **15:310**  
when complete, **15:314**  
where to make, **15:306**  
postcard, NYC Civil Court "post-  
card requirement, residential  
cases only, **15:352-15:354**  
predicate notice, **15:96, 15:466-**  
**15:467**  
reasonable application standard  
generally, **15:326**  
commercial tenants, **15:334-**  
**15:337**  
residential respondents, **15:327-**  
**15:333**  
religious holidays, **15:331**  
residential respondents  
generally, **15:327**  
before normal work hours,  
**15:328**  
during normal rest hours, **15:330**  
during regular business hours,  
**15:329**  
religious holidays, **15:331**  
Sundays, **15:331**  
weekends, **15:328**  
when respondent absent, **15:332,**  
**15:333**  
Secretary of State, **15:310**  
substituted service  
generally, **15:315**

**HOLDOVER PROCEEDINGS****—Cont'd**

Service of process—Cont'd  
 substituted service—Cont'd  
 employees of landlord or building, **15:320**  
 employees of respondent, **15:318, 15:319**  
 made at premises requirement, **15:322**  
 mailing requirement, **15:323**  
 minors, service on, **15:317**  
 neighbors and guests of respondent, **15:321**  
 subtenant of tenant, **15:319**  
 suitable age and discretion requirement, **15:316, 15:317**  
 when complete, **15:324**  
 subtenant of tenant, **15:319**  
 suitable age and discretion requirement, **15:316, 15:317**  
 timing of service efforts, notice of petition and petition generally, **15:301**  
 too little notice, **15:303**  
 too much notice, **15:302**  
 traverse hearings, affidavit of service, **15:400**  
 waiver of service-related objections, **15:401**  
 weekends, **15:328**  
 when complete  
 conspicuous place service, **15:340**  
 personal service, **15:314**  
 substituted service, **15:324**  
 when respondent absent  
 commercial tenants, **15:336, 15:337**  
 residential respondents, **15:332, 15:333**  
 who may serve process  
 generally, **15:296**  
 licensing requirements  
 inability of process server to present license or other records, **15:299**  
 NYC, **15:298**

**HOLDOVER PROCEEDINGS****—Cont'd**

Service of process—Cont'd  
 who may serve process—Cont'd  
 record-keeping requirements, **15:297**  
 who must be served, **15:300**  
 Severance of unrelated counterclaims, **15:375-15:376**  
 Show cause order, commencement by, **15:212**  
 Social Service Call-Ins, notice of eviction content, **15:611**  
 Squatters  
 grounds, **15:76**  
 statement of respondent's interest, **15:257**  
 Stipulations  
 generally, **15:544-15:571**  
 drafting agreement  
 generally, **15:547**  
 remedy for default, below, **15:549**  
 when respondent agrees to cure, **15:548**  
 when respondent agrees to vacate, **15:549**  
 enforcement of stipulations  
 generally, **15:558**  
 allocution requisites with pro se litigants (NYC), **15:565**  
 de minimis defaults  
 generally, **15:559**  
 excusing defaults to avoid forfeiture, **15:561**  
 probationary period, default during, **15:560**  
 rent overcharges, illegal rents, or waivers of rent regulations, **15:456**  
 waivers of statutory rights, **15:456, 15:563**  
 form of stipulation, **15:546**  
 procedure, **15:545**  
 remedy for default  
 generally, **15:550**  
 attorneys' fees, **15:554**  
 final judgment and warrant of eviction, **15:552, 15:553**

## INDEX

### HOLDOVER PROCEEDINGS

#### —Cont'd

- Stipulations—Cont'd
  - remedy for default—Cont'd
    - restoration of case to court calendar, **15:551**
    - termination of proceeding, **15:555**
  - third party, rent tendered by, **15:556**
  - vacating the stipulation
    - generally, **15:458, 15:566**
    - fraud, collusion, or mistake, **15:567-15:569**
    - misapplication of stipulated payments, **15:568**
    - party not represented by attorney, **15:571**
    - rent tender by third party, rejection of, **15:569**
    - unjust or harsh terms, **15:570**
  - Subject matter jurisdiction, court lacks
    - generally, **15:393**
    - defective predicate notices, **15:394**
  - Subleases and subletting
    - breach of covenant not to, **15:23**
    - disclosure of illegal subletting, ample need requirement, **15:535**
    - RSC premises illegal, **15:54**
  - Substantial obligation of tenancy breached by tenant
    - generally, **15:9**
    - access, covenant providing, **15:10**
    - alterations, covenant restricting, **15:11-15:15**
      - generally, **15:11**
      - structural vs non-structural modifications, **15:12-15:14**
    - tests used to ascertain difference, **15:15**
    - duplicate key, covenant to provide landlord with, **15:17**
    - pets, covenant to not to maintain, **15:18**
    - rent, covenant to pay, **15:21**
    - security deposit, covenant to furnish landlord, **15:22**

### HOLDOVER PROCEEDINGS

#### —Cont'd

- Substantial obligation of tenancy breached by tenant—Cont'd
  - sublet or assign, covenant not to, **15:23**
  - use and occupy premises for specific purposes, covenant to, **15:25**
  - use clauses, **15:26-15:29**
  - washing machine, covenant not to install, **15:30**
- Subtenants as respondents, **15:228**
- Succession rights to rent-regulated premises
  - generally, **15:505**
  - companions
    - defined, **15:507**
    - factors demonstrative of "emotional and financial relationship," **15:508-15:510**
  - family member, defined, **15:506**
  - length of occupancy, **15:511**
  - primary residence, **15:512**
- Summary remedy, **15:3**
- Summations, trial procedures, **15:585**
- Surrender of possession, joinder of tenant's estate, **8:65**
- Tax sale, former owner or occupant after, **15:77**
- Ten day notice to quit, **15:646**
- Third party, rent tendered pursuant to stipulation, **15:556**
- Time issues
  - answer, timing of, **15:357**
  - jury demand, when to make, **15:382**
    - "time is of the essence," **15:562**
- Traverse hearings
  - generally, **15:397**
  - affidavit of service, **15:400**
  - testimony of process server in NYC, **15:398-15:399**
- Trial motions
  - generally, **15:586**
  - conform pleadings to the proof, motion to, **15:588**
  - dismiss, motion to, **15:587**

**HOLDOVER PROCEEDINGS**

—Cont'd

- Trial procedures
  - generally, **15:580**
  - affirmative defenses and
    - counterclaims, **15:584**
  - opening statements, **15:581**
  - prima facie case, petitioner's
    - generally, **15:582**
    - use and occupancy, **15:583**
  - summations, **15:585**
- Trial transcripts, **15:589**
- Trier of fact
  - generally, **15:573**
  - NYC Civil Court Housing Judges, **15:574**
- Use and occupancy, purpose, **15:5-15:6**
- Use and occupy premises for specific purposes, breach of covenant to, **15:25**
- Use clauses breached by tenant
  - generally, **15:26**
  - NYC home occupations, **15:27**
  - permitted home occupations, **15:28**
  - prohibited home occupations, **15:29**
- Utilities (electricity, heat, and/or hot water), failure to provide, **15:376**
- Vendee in possession, **15:84**
- Venue, **15:89-15:91**
- Verification
  - answer, **15:380**
  - attorney verification
    - defects in, **15:459**
    - form, **15:656**
    - petition, **15:293**
  - corporate verification
    - form, **15:654**
    - petition, **15:290**
  - defects in verification
    - generally, **15:457**
    - attorney verification, **15:459**
    - notarial errors, **15:458**
  - form
    - generally, **15:288**
    - attorney verification, **15:656**

**HOLDOVER PROCEEDINGS**

—Cont'd

- Verification—Cont'd
  - form—Cont'd
    - corporate verification, **15:654**
    - individual verification, **15:653**
    - partnership verification, **15:655**
  - governmental verification of petition, **15:292**
  - grounds for removal, defective verification, **15:457-15:560**
  - individual verification, form, **15:653**
  - notarial errors, **15:458**
  - partnership verification
    - form, **15:655**
    - petitioner, **15:291**
  - petition, generally, **15:287-15:293**
  - who may verify, **15:289-15:293**
- Waiver and estoppel
  - generally, **15:513**
  - delay reasonable, **15:515**
  - non-waiver clauses, **15:516**
  - pets, **15:514**
  - public policy violations, **15:517**
  - regulated tenancy created by landlord conduct, **15:518**
  - renewal lease issues, **15:519-15:520**
  - statutory waivers, **15:514-15:515**
- Waiver of "no counterclaim" lease clause, **15:237**
- Waiver of rent regulations, **15:564**
- Waiver of service-related objections, **15:401**
- Warranty of habitability, **9:16, 9:94**
- Washing machine, breach of covenant not to install, **15:30**
- "Wholly unusable" premises, **15:31**
- Who may answer, **15:356**
- Who may issue notice of petition, **15:210-15:212**
- Withdrawal of rent-control unit from rental market, **15:48**
- Withdrawal of RSC unit from rental market, **15:61**
- Withdrawal of unit from rental market under ETPA, **15:71, 15:139**

## INDEX

### **HOLIDAYS**

Rent and other charges, time for payment, **6:7**

### **HOMELESS SHELTERS**

Americans With Disabilities Act, **5:64**

Race discrimination, concentration in minority communities, **5:133**

### **HOME OCCUPATIONS**

Termination of lease, New York City, **13:59 et seq.**

### **HOME PROGRAM**

Generally, **19:104-19:119**  
Amount of assistance, **19:109**  
Amount of rent, **19:113, 19:114**  
Contract of assistance, **19:108**  
Eligible housing, **19:105, 19:106**  
Income qualifications, **19:110, 19:111**  
Increases in rent, **19:114**  
Landlord obligations, **19:115**  
Mixed housing, **19:106**  
Preferences, **19:111**  
Rental agreement, **19:112**  
Rental assistance, **19:107-19:109**  
Responsibilities of participating jurisdiction, **19:118**  
Security deposits, **19:117**  
Selection of tenants, **19:110, 19:111**  
Tenant obligations, **19:116, 19:117**  
Termination of tenancy, **19:119**

### **HOMICIDE**

Premises liability, failure to disclose that property was location of, **12:209**

### **HOSPITALS**

Rent control and rent stabilization, nonprimary residence cases, **11:453**

### **HOTELS**

Generally, **2:160-2:162**  
Americans With Disabilities Act, **5:65**  
Illegal evictions, **16:394**  
Rent control and rent stabilization, **11:66, 11:79, 11:99**

### **HOT WATER**

**Heat and Hot Water** (this index)

### **HOUSING DEVELOPMENT FUND**

Low-income turnkey-housing trust fund program, **19:275**

### **HOUSING DEVELOPMENT FUND COMPANIES**

Low-income turnkey-housing trust fund program, **19:277**

### **HOUSING MAINTENANCE CODE**

HP proceedings, **16:224, 16:225**

### **HP PROCEEDINGS**

Generally, **16:221-16:307**  
Affidavit. Petition or affidavit, below  
Attorneys' fees, **16:307**  
Certificate of correction, **16:253, 16:259-16:261**  
Challenge to charges for repairs, **16:241**  
Challenge to HPD lien, **16:240**  
Completion of repairs, **16:279**  
Condominium as owner, **16:244**  
Contempt proceedings, **16:304, 16:305**  
Control by respondent as element, **16:274**  
Corporate veil, piercing, **16:245, 16:246**  
Costs and expenses, recoupment of, **16:239**  
Defenses, **16:277 et seq., 16:291**  
Department of Housing, Preservation and Development, **16:237-16:241**  
Economic infeasibility, **16:281, 16:282**  
Emergency Repair Program generally, **16:238-16:241**  
challenge to charges for repairs, **16:241**  
challenge to HPD lien, **16:240**  
costs and expenses, recoupment of, **16:239**  
Evacuated tenants, **16:230, 16:231**  
Extension of time to correct violations, **16:258, 16:287**

**HP PROCEEDINGS—Cont'd**

Failure of owner to correct generally, **16:288 et seq.**  
defenses in mitigation of penalties, **16:291**  
false certification of correction, **16:300**  
hazardous (Class B) violations, **16:296**  
heat or hot water, failure to provide, **16:298**  
illegal heating system, **16:299**  
immediately hazardous (Class C) violations, **16:297 et seq.**  
mitigation, **16:291 et seq.**  
non-hazardous (Class A) violations, **16:295**  
penalties, **16:291, 16:294 et seq.**  
procedure, **16:289 et seq.**  
proof of mitigation or elements thereof, **16:292**  
service, **16:290**  
False certification of correction, **16:300**  
Fees, **16:270, 16:271**  
Forms  
affidavit in support of order to show cause to restore to calendar for compliance hearing and to assess civil penalties, **16:475**  
judgment for civil penalties, **16:476**  
order to show cause, **16:471, 16:474**  
verification, **16:473**  
verified petition in support of order to show cause, **16:472**  
Governing statutes, **16:222 et seq.**  
Hazardous (Class B) violations, **16:252, 16:256, 16:296**  
Heat or hot water, failure to provide, **16:298**  
Housing Maintenance Code, **16:224, 16:225**  
Illegal heating system, **16:299**  
Immediately hazardous (Class C) violations, **16:252, 16:256, 16:297 et seq.**

**HP PROCEEDINGS—Cont'd**

Judgments, **16:306**  
Jurisdiction, **16:227, 16:278**  
Licensees, **16:232, 16:233**  
Managing agent as owner, **16:247**  
Mitigation, **16:291 et seq.**  
Multiple Dwelling Law, **16:226**  
New York City as owner, **16:248**  
New York City Civil Court Act, **16:223**  
Non-hazardous (Class A) violations, failure of owner to correct, **16:295**  
Notice of pendency, **16:272**  
Notice of violation  
generally, **16:250-16:261**  
certificate of correction, **16:253, 16:259-16:261**  
content of notice, **16:254-16:261**  
extension of time to correct violations, **16:258**  
failure to issue, **16:250**  
hazardous or immediately hazardous violations, **16:252, 16:256**  
issuance, **16:250-16:252**  
reinspection following certificate of correction, **16:253, 16:261**  
service of notice, **16:255, 16:256**  
time to correct violations, **16:257, 16:258**  
Order to correct, **16:285 et seq.**  
Owner, defined, **16:243-16:248**  
Ownership or other control by respondent as element, **16:274**  
Penalties, failure of owner to correct, **16:291, 16:294 et seq.**  
Petitioners, **16:229-16:235**  
Petition or affidavit  
generally, **16:263-16:266**  
relief sought, **16:265**  
required allegations, **16:264**  
verification, **16:266**  
Place of service, **16:268**  
Prerequisites to initiation of proceeding, **16:249-16:253**  
Prima facie elements, **16:273-16:276**  
Procedure, **16:222 et seq.**

## INDEX

### **HP PROCEEDINGS—Cont'd**

- Proof of service, **16:269**
- Reinspection following certificate of correction, **16:253, 16:261**
- Rent-regulated tenants, **16:234**
- Respondents, **16:242-16:248**
- Service
  - generally, **16:267-16:269**
  - failure of owner to correct, **16:290**
  - notice of violation, **16:255, 16:256**
- Settlement of fines, **16:302 et seq.**
- Squatters, **16:233**
- Standing of tenant, **16:280**
- Subtenants, **16:235**
- Tenancy as element, **16:275**
- Time to correct violations, **16:257, 16:258**
- Verification, **16:266, 16:473**
- Violations as element, **16:276**
- Waiver of court fees, **16:271**

### **HUDSON RIVER VALLEY GREENWAY ACT**

- Environmental liability, **12:158**

### **HUMAN RIGHTS LAW (NY)**

- Generally, **5:71-5:94**
- Advertising, discriminatory, **5:78**
- Age discrimination, limits on ban, **5:88**
  - Blind persons, nursing home discrimination against, **5:92**
  - Blockbusting, **5:83**
  - Commercial space, **5:91**
  - Concurrent jurisdiction, **5:94**
  - Disabled persons, **5:81, 5:90**
  - Exemptions
    - generally, **5:87-5:90**
    - age discrimination, limits on ban, **5:88**
    - disabled persons, discounts to, **5:90**
    - religious organizations, **5:89**
  - Financing, discrimination in, **5:85, 5:86**
  - Misrepresentation of availability of housing, **5:77**
  - Nursing home discrimination against blind persons, **5:92**

### **HUMAN RIGHTS LAW (NY)**

#### **—Cont'd**

- Protected classes, discrimination prohibited against, **5:72-5:74**
- Record-keeping, discriminatory, **5:79**
- Refusing to rent or sell to members of protected classes, **5:76**
- Religious organizations, **5:89**
- Remedies. **Discrimination** (this index)
- Retaliation, **5:84**
- Services or rights, failure to provide, **5:80**
- State Division of Human Rights, administration by, **5:93, 5:94**
- “Unlawful discriminatory practices,” defined, **5:75-5:86**
- Zoning, exclusionary, **5:82**

### **HUMAN RIGHTS LAW (NYC)**

- Generally, **5:105-5:124**
- Advertising, discriminatory, **5:114**
- Blockbusting, **5:116**
- Commercial property, **5:124**
- Commission on Human Rights, administration by, **5:107**
- Discriminatory housing practices prohibited, **5:111-5:118**
- Exemptions
  - generally, **5:119-5:123**
  - minors as applicants, **5:121**
  - private home rentals, **5:120**
  - religious organizations, **5:123**
  - senior citizen housing, **5:122**
- Lending practices, discriminatory, **5:117**
- Minors as applicants, **5:121**
- Private home rentals, **5:120**
- Protected classes, **5:108-5:110**
- Record-keeping, discriminatory, **5:115**
- Refusing to rent or sell to members of protected classes, **5:112**
- Religious organizations, **5:123**
- Remedies. **Discrimination** (this index)
- Retaliation, **5:118**
- Senior citizen housing, **5:122**

**HUMAN RIGHTS LAW (NYC)**

—**Cont'd**

Services or rights, refusing to provide, **5:113**

**HUSBAND AND WIFE**

Spouses (this index)

**IDENTITY**

Article 7-A proceedings, **16:73, 16:74**

Attorneys' fees and costs, prevailing party, **4:249**

Lease agreements, **4:20, 4:44-4:46**

**IGNORANCE**

Rent control and rent stabilization, **11:57**

**ILLEGAL EVICTIONS**

Generally, **16:368 et seq.**

Affidavit, content of, **16:398**

Agents of landlord, **16:390**

City as landlord, **16:391, 16:392**

Commercial property, **16:384, 16:393**

Common law, **16:375, 16:376**

Constructive evictions, **16:372**

Damages

compensatory damages, **16:417, 16:418**

punitive damages, below  
treble damages, below

Defendants, **16:389**

Discretion of court, treble damages, **16:410**

Ejectment, **16:424**

Emotional distress, **16:419**

Employees of landlord, **16:390**

“English” rule, **16:374**

Forcible entry and detainer statutes, **16:377 et seq.**

Forms

order to show cause for restoration and damages, **16:481, 16:485**

verification (corporate), **16:484, 16:488**

verification (individual), **16:483, 16:487**

verified petition in support of order to show cause for restoration and damages, **16:482, 16:486**

**ILLEGAL EVICTIONS—Cont'd**

Governmental agency as landlord, **16:392**

Historical perspective, **16:373**

Hotel owners, **16:394**

**Illegal evictions, New York City**  
(this index)

Insurance coverage, **16:412, 16:416**

Judgment of possession later reversed, tenant evicted pursuant to, **16:387**

Jurisdictional considerations, **16:401**

Legal evictions, **16:370, 16:371**

Licensees, **16:436**

Loss of profits, **16:418**

Manufactured home parks, **16:385, 16:395**

Modifications to common law, **16:376**

New tenant

generally, **16:425 et seq.**  
factors impacting reinstatement, **16:426 et seq.**

procedure when new tenant is in place, **16:429**

vacatur by new tenant, **16:427, 16:428**

warrant of eviction, impact of, **16:430**

New York City. **Illegal evictions, New York City** (this index)

Nontenant occupants

Generally, **16:431 et seq.**  
elements of proceeding, **16:433**

judicial discouragement of self-help, **16:440**

licensees, **16:436**

parties, **16:432**

peaceable, self-help with police assistance can be, **16:437 et seq.**

self-help evictions, **16:434 et seq.**  
squatters, **16:435**

threat of imprisonment is forcible, **16:439**

**Occupancy Relationships Similar to Tenancies** (this index)

Peaceable, self-help with police assistance can be, **16:437 et seq.**

## INDEX

### ILLEGAL EVICTIONS—Cont'd

Prime tenants, **16:396**  
Procedure, **16:397 et seq.**  
Punitive damages  
    generally, **16:413 et seq.**  
    insurance coverage proscribed,  
        **16:416**  
    simultaneous award of treble and  
        punitive damages, **16:414,**  
        **16:415**  
    treble damages, distinguished,  
        **16:411**  
Reentry clause in lease, lock-out  
    permitted by, **16:403**  
Remedies  
    generally, **16:404 et seq.**  
    compensatory damages, **16:417,**  
        **16:418**  
    ejectment, **16:424**  
    emotional distress, **16:419**  
    loss of profits, **16:418**  
    punitive damages, above  
    restoration, below  
    treble damages, below  
Respondents, **16:389**  
Restoration  
    generally, **16:420 et seq.**  
    factors considered, **16:421**  
    time frame for nontenant's  
        occupancy, **16:422**  
    treble damages, restoration  
        without, **16:423**  
Self help, **16:402, 16:434 et seq.**  
Squatters, **16:435**  
Statute of limitations, **16:400**  
Subtenants, **16:386**  
Summary eviction proceedings,  
    emergence of, **16:377 et seq.**  
Thirty day test, **16:388**  
Threat of imprisonment is forcible,  
    nontenant occupants, **16:439**  
Time frame for nontenant's  
    occupancy, restoration, **16:422**  
Treble damages  
    generally, **16:405 et seq.**  
    application to tenant or other party  
        holding possessory entitlements, **16:408, 16:409**  
    discretion of court, **16:410**

### ILLEGAL EVICTIONS—Cont'd

Treble damages—Cont'd  
    history, **16:406**  
    insurance coverage proscribed,  
        **16:412**  
    prohibited conduct, **16:407**  
    punitive damages, distinguished,  
        **16:411**  
    restoration without treble damages,  
        **16:423**  
Types of evictions, **16:369 et seq.**  
Types of tenants within statute,  
    **16:383 et seq.**  
Vacatur by new tenant, **16:427,**  
    **16:428**  
Venue, **16:399**  
Verification, **16:483, 16:484, 16:487,**  
    **16:488**

### ILLEGAL EVICTIONS, NEW YORK CITY

Generally, **16:442 et seq.**  
Civil penalties, **16:454, 16:456**  
Conduct proscribed, **16:452, 16:453**  
Criminal penalties, **16:454, 16:455**  
Failure to restore, **16:453**  
Licensees, **16:449**  
One and two family dwellings,  
    **16:443**  
Parties exempt from law, **16:451**  
Parties subject to law, **16:445 et seq.**  
Squatters, **16:450**  
Tenants, **16:446**  
Thirty days, occupancy for more or  
    fewer than, **16:444, 16:447,**  
    **16:448**

### ILLEGALITY

Petition for Administrative Review  
(this index)

### ILLUMINATION

Lights and Lighting (this index)

### ILLUSORY TENANCIES

Generally, **2:21**  
Licenses, **3:26**  
Rent control and rent stabilization,  
    **11:341**

**IMMIGRATION**

Disabled persons, discrimination against, **5:188**

**IMMORAL OR ILLEGAL USE OF OCCUPANCY**

Generally, **13:72 et seq.**

Drug sales, **13:74**

Emergency Tenant Protection Act tenants, **13:83**

Enforcement agencies, initiation of eviction procedures by, **13:79 et seq.**

Evidence, **13:81**

**Holdover Proceedings** (this index)

Lease agreements, **13:80**

Manufacturing, **13:75**

New York City rent-stabilized tenants, **13:84**

Other tenants, initiation of eviction procedures by, **13:79 et seq.**

Procedure, **13:82 et seq.**

Profiteering, **13:76**

Prostitution, **13:77**

Rent-controlled tenants, **13:85**

Sex clubs, **13:78**

Subsidized housing tenants, **13:86**

**IMMUNITIES**

**Premises Liability** (this index)

**IMPROVEMENTS**

**Lofts** (this index)

Property taxes, **4:212, 4:213**

**INCARCERATION**

Contempt, **16:339, 16:341, 16:343**

Nonpayment proceedings, personal service on incarcerated respondent, **14:172**

**INCREASES IN RENT**

Article 7-A proceedings, **16:122**

Government subsidized housing, New York City programs, 421-a tax exemption, **19:304**

**HOME Program**, **19:114**

Loan programs, federal, **19:132, 19:147, 19:160, 19:164, 19:165**

Loan programs, New York City, **19:291**

**INCREASES IN RENT—Cont'd**

Lofts, rent regulation, **18:124-18:126**

Low-income housing trust-fund program, **19:258, 19:259**

Low-income turnkey-housing trust fund program, **19:271**

Manufactured home parks, **2:154**

**Rent Control and Rent Stabilization** (this index)

Rural rental assistance program, **19:286**

**Section 8 Housing Program** (this index)

Single room occupancy units (SROs), rent-stabilization, **18:207**

**INDIGENT PERSONS**

**“Poor Person” Proceedings** (this index)

**INFANTS**

**Children and Minors** (this index)

**INFERENCES**

Administrative proceedings, **17:38**

**INFESTATION**

Warranty of habitability, **9:49, 9:50**

**INITIAL CLIENT MEETING**

Generally, **1:1-1:33, 1:176**

Appellate Division, conflict of interest, **1:6**

**Attorney-Client Privilege** (this index)

Checklist for interview, **1:176**

Chronological approach, **1:30**

Client's rights, preparation for meeting, **1:18**

Code of Professional Responsibility, conflict of interest, **1:5-1:7**

Conduct of meeting, **1:18-1:33**

Confirmation of office appointment by letter, **1:14**

Conflict of interest, check of, **1:4-1:7**

Evaluation of case, **1:33**

Facts, ascertainment of, **1:25-1:28**

Fee for consultation, advising client of, **1:15**

Merits of case, **1:45**

Motives of client, **1:45**

## INDEX

### INITIAL CLIENT MEETING

#### —Cont'd

- Narrative of client, ascertainment of facts, **1:26, 1:28**
- Objectives of client, determination of, **1:8**
- Office appointment, scheduling of, **1:11-1:15**
- Preliminary advice for urgent matters, **1:9, 1:10**
- Preliminary phone contact, **1:2-1:15**
- Preliminary research, preparation for meeting, **1:17**
- Preparation for meeting, **1:16-1:18**
- Punishment for violation of Code of Professional Responsibility, conflict of interest, **1:7**
- Questioning of client, **1:27, 1:28, 1:32**
- Rapport with client, conduct of meeting, **1:20-1:24**
- Relevant documents, bringing to office appointment, **1:13**
- Research, preparation for meeting, **1:17**
- Scheduling of office appointment, **1:11-1:15**
- Statute of limitations, preliminary advice, **1:10**
- Structure of interview, **1:29-1:33**
- Urgent matters, preliminary advice for, **1:9, 1:10**

### INJUNCTIVE RELIEF

- Discrimination, **5:211, 5:235, 5:236**
- HP Proceedings** (this index)
- Possession of property, **8:20, 8:22**
- Preliminary Injunctions** (this index)
- Quiet enjoyment, **10:53**
- Rent Strikes** (this index)
- Warranty of habitability, **9:105**
- Yellowstone Injunctions** (this index)

### INNS

- Americans With Disabilities Act, **5:65**

### INSPECTIONS

- Condition of premises, **4:164-4:167**
- Exclusivity of possession, **2:31**

### INSPECTIONS—Cont'd

- Loan programs, New York City, **19:293**
- Lofts, sale of rights, **18:170**
- Premises Liability** (this index)
- Recreational use immunity, **12:195**
- Section 8 Housing program, **19:65**

### INSURANCE

- Generally, **4:201-4:206**
- Illegal evictions, **16:412, 16:416**
- Landlord not obligated to compel coverage, **4:205**
- Mutual indemnification and insurance provisions, **4:202**
- Negligence of landlord, no exculpation for, **4:206**
- Rent control and rent stabilization, payment for improvements, **11:240**
- Terrorism coverage, **4:204**
- Third parties, liability to, **4:203**
- Waste, **10:135**

### INTENT

- Fair Housing Act** (this index)
- Lease agreements, **4:180**

### INTERCOM SYSTEMS

- Multiple dwelling law, **12:65**

### INTEREST

- Attorneys' fees and costs, **1:104**
- Lease agreements, **4:262**
- Security Deposits** (this index)
- Warranty of habitability, **9:115**

### INTERVENTION

- Article 7-A proceedings, **16:86, 16:151-16:154**
- Section 8 Housing program, Williams consent judgment, **19:88**

### INTRUDERS

- Squatters and Intruders** (this index)

### INVENTORY

- Nonpayment proceedings, **14:480**

### IRREGULARITY

- Petition for Administrative Review** (this index)

**J-51 PROGRAM**

Generally, **19:296-19:300**  
Affidavit of no harassment, **19:299**  
Eligibility, **19:297**  
Rental agreement, **19:300**  
Rent regulation, **19:298**

**JOINT LIABILITY**

Comprehensive Environmental Response, Compensation, and Liability Act of 1980, **12:132**

**JUDGES**

**Bankruptcy** (this index)  
Communication with opposing parties, **1:120**

**JUDGMENTS AND DECREES**

Article 7-A proceedings, **16:101, 16:130**  
**Article 78 Proceedings** (this index)  
**Holdover Proceedings** (this index)  
HP proceedings, **16:306**  
**Nonpayment Proceedings** (this index)

**JUDICIAL ECONOMY**

Petition for administrative review, **17:94**  
Rent strikes, consolidation of cases, **16:21**

**JUDICIAL NOTICE**

Warranty of habitability, **9:101**

**JURISDICTION**

Article 78 proceedings, **17:109, 17:143**  
**Concurrent Jurisdiction** (this index)  
**Holdover Proceedings** (this index)  
HP proceedings, **16:227, 16:278**  
Illegal evictions, **16:401**  
Nonpayment proceedings, **14:11**  
**Rent Control and Rent Stabilization** (this index)  
**Warranty of Habitability** (this index)  
Yellowstone injunctions, **16:205**

**JURY TRIAL**

**Contempt** (this index)

**JURY TRIAL—Cont'd**

Holdover proceedings, **15:381-15:384**  
Lease agreements, **4:241, 4:284, 15:383**  
Nonpayment proceedings, **14:240-14:244**  
"Poor person" proceedings, fees, **16:349, 16:350**  
Warranty of habitability, **9:95**

**KITCHEN CABINETS**

Warranty of habitability, **9:51**

**LABOR DISPUTES AND STRIKES**

Warranty of habitability, **9:80, 14:395**

**LACHES**

**Nonpayment Proceedings** (this index)

**LANDLORD, DEFINED**

Generally, **2:2-2:18**  
Assignee as landlord, **2:7**  
Employer as landlord, **2:13**  
Fee title holder, not limited to, **2:4-2:18**

Lessors as landlords, **2:3**  
Licensor as landlord, **2:12**  
Mortgagee as landlord, **2:9**  
Net lessee as landlord, **2:8**  
Proprietary lessor as landlord, **2:15**  
Purchaser as landlord, **2:10, 2:11**  
Receiver as landlord, **2:6**  
Rent and possession, entitlement to, **2:5-2:15**  
Rent control, **2:16**  
Rent stabilization, **2:17, 2:18**  
Sublessor as landlord, **2:14**  
Utility services, rent stabilization, **2:18**

**LATE CHARGES**

Generally, **4:76-4:79**  
Excessive late charges unenforceable, **4:77**  
Manufactured home parks, **4:79**  
Rent-regulated jurisdictions, **4:78**

**LATENT DEFECTS**

Condition of premises, **10:71, 10:72**

## INDEX

### **LEAD POISONING**

Generally, **12:72-12:91**  
Conditions conducive to lead poisoning, defined, **12:83**  
Drinking water, **12:74**  
Duty of owner, **12:90**  
Federal law, **12:73-12:81**  
Lead-based paint, defined, **12:88**  
Lead-based paint hazard, defined, **12:89**  
Lead paint, defined, **12:84**  
Lead pipes, defined, **12:85**  
New York City Lead Poisoning Prevention Act of 2003, **12:87 et seq.**  
New York State law, **12:82-12:86**  
Paint, generally, **12:75-12:80**  
Penalties for failure to abate, **12:86**  
Scope of federal law, **12:81**  
Target housing, lead-based paint, **12:77**  
Waiver of statutory benefit void, **12:91**  
Warning statement, lead-based paint, **12:78, 12:79**  
Warranty of habitability, **9:52**

### **LEAKS**

Warranty of habitability, **9:53, 9:72**

### **LEASE AGREEMENTS**

Generally, **4:1-4:349**  
Access, **4:198-4:200**  
Agents, ascertainable identity, **4:45**  
Agreements to lease, distinguished, **4:10**  
Amendments, **4:187, 4:188**  
Amount of rent. **Rent and Other Charges** (this index)  
Arbitration, **4:268, 4:269**  
Assignments, **4:290**  
**Attorneys' Fees and Costs** (this index)  
Authorized occupants  
    generally, **4:112-4:160**  
    children, restrictions on, **4:158, 4:159**  
    discrimination, restrictions may constitute, **4:155-4:160**

### **LEASE AGREEMENTS—Cont'd**

    Authorized occupants—Cont'd  
        immediate family members and roommates, **4:160**  
        racial restrictions, **4:156, 4:157**  
        religious use exception, racial restrictions, **4:157**  
    rent regulations, **4:113**  
**Subleases and Assignments** (this index)  
Automatic tenancy renewal protection, **4:282**  
Bankruptcy provisions, **4:238**  
Bargaining positions, relative, **4:1**  
Breach of lease, liability for, **4:41**  
Children, restrictions on, **4:158, 4:159**  
Closing formalities  
    generally, **4:264-4:267**  
    entire agreement, **4:266, 4:267**  
    fraud excepted, entire agreement, **4:267**  
    modification prohibited, **4:266**  
    validity and severability, **4:265**  
Compliance with all laws, **4:178-4:180**  
**Condition of Premises** (this index)  
Counterclaims, waiver of, **4:239, 4:240**  
Damage or destruction, **4:207, 4:208**  
Delivery requirement, **4:11**  
**Description of Premises** (this index)  
Disability rent increase exemption. New York City, below  
Disclosures by landlord, **4:30**  
Discrimination, restrictions may constitute, **4:155-4:160**  
**Enforcement of Lease Agreements** (this index)  
    Entire agreement, **4:266, 4:267**  
    Essential terms, **4:18-4:25**  
    Exclusive possession and control, **4:19**  
    Exculpatory clauses, **4:283**  
    Express or implied agreement, **4:2**  
    Form leases, **4:26**  
    Form of agreement, **4:2-4:17**  
Forms  
    generally, **4:350-4:358**

**LEASE AGREEMENTS—Cont'd**

Forms—Cont'd  
 apartment lease subject to rent stabilization, **4:350**  
 escalation clause riders, **4:357**  
 "good guy" guaranty, **4:358**  
 lead-based paint hazards, disclosure, **4:351**  
 loft lease, **4:355**  
 office lease, **4:354**  
 rent stabilization lease rider, **4:356**  
 store lease, **4:353**  
 window guard rider, **4:352**  
**Fraud**, **4:28, 4:267**  
 Fundamental lease terms and conditions, **4:18-4:30**  
**Government subsidies**, **4:27, 4:294**  
**Government Subsidized housing, New York State Programs** (this index)  
**Guaranty Clauses** (this index)  
 Holdover proceedings, jury waiver, **15:383**  
**HOME Program**, **19:112**  
**Identity**, **4:20, 4:44-4:46**  
 Immediate family members and roommates, **4:160**  
 Immoral or illegal use of occupancy, **13:80**  
 Implied or express agreement, **4:2**  
 Indefinite lease terms, **4:8**  
 Inextricably related claims, waiver of counterclaims, **4:240**  
**Insurance** (this index)  
 Intent of parties, compliance with all laws, **4:180**  
 Interest on money judgments, **4:262**  
 J-51 program, **19:300**  
 Jury trial, **4:241, 4:284, 15:383**  
**Late Charges** (this index)  
 Lease, defined, **4:3**  
 Liability absent a lease, **4:9**  
 License vs. lease, **4:12**  
 Limitations on validity of terms generally, **4:279 et seq.**  
 commercial tenancies, distinguished, **4:293**  
 government subsidized housing, **4:294**

**LEASE AGREEMENTS—Cont'd**

Limitations on validity of terms—Cont'd  
 manufactured home parks, **4:294**  
 nonwaivable, nonmodifiable rights, below  
 Loan programs, federal, **19:131**  
**Low-Income Housing Trust-Fund Program** (this index)  
 Maintenance and repairs, **4:168, 4:169**  
**Manufactured Home Parks** (this index)  
 Mistake, **4:28, 4:29**  
 Modification. Nonwaivable, nonmodifiable rights, below  
 New York City, disability rent increase exemption generally, **4:273-4:278**  
 amount of household's aggregate disposable income, **4:278**  
 applicant named on lease or rent order, **4:275**  
 eligible apartment, **4:274**  
 income eligibility requirements, **4:277**  
 state or federal disability related financial assistance, **4:276**  
 New York State as tenant, signatures, **4:272**  
 Nonpayment of rent, breach of warranty of habitability as defense to, **4:183**  
 Nonwaivable, nonmodifiable rights generally, **4:279 et seq.**  
 attorneys' fees, **4:281**  
 automatic tenancy renewal protection, **4:282**  
 exculpatory clauses, **4:283**  
 jury trial in personal injury or property damage action, **4:284**  
 occupancy, **4:285**  
 retaliatory eviction defense, **4:286**  
 satellite dishes, **4:287**  
 security deposit refund, **4:288**  
 shared meters, **4:289**  
 sublets and assignments, **4:290**  
 tenants' associations, **4:291**

## INDEX

**LEASE AGREEMENTS—Cont'd**  
Nonwaivable, nonmodifiable rights  
—Cont'd  
    warranty of habitability, 4:292  
Notice  
    generally, 4:220-4:224  
    manufactured home park tenants, 4:223  
    rent-regulated tenants, 4:222  
    rules and regulations, 4:187, 4:188  
    termination of monthly tenancies, 4:221  
    time notice is deemed given, 4:224  
Occupancy, 4:285  
**Options** (this index)  
Oral lease. Statute of frauds, below  
**Parking Charges** (this index)  
**Parties to Lease Agreements** (this index)  
**Pets** (this index)  
Presumption that agreement is understood and accepted once signed, 4:271  
**Property Taxes** (this index)  
Racial restrictions, 4:156, 4:157  
**Recordation of Lease Agreements** (this index)  
Relative bargaining positions, 4:1  
Religious use exception, racial restrictions, 4:157  
**Rent and Other Charges** (this index)  
Rent regulation, 4:27, 4:188, 4:222  
Repairs and maintenance, 4:168, 4:169  
Retaliatory eviction defense, 4:286  
Rules and regulations  
    generally, 4:185-4:190  
    amendments and notice, 4:187, 4:188  
    manufactured home leases, 4:189, 4:190  
    reasonableness, manufactured home leases, 4:190  
    rent regulation, impact of, 4:188  
Satellite dishes, nonwaivable and nonmodifiable rights, 4:287  
**Section 8 Housing Program** (this index)

**LEASE AGREEMENTS—Cont'd**  
Security deposit refund, 4:288  
Severability, 4:265  
Shared meters, 4:289  
Signatures, 4:270-4:272  
Standard provisions, 4:31-4:278  
Statute of frauds  
    generally, 4:4-4:8  
    calculation of one-year period, 4:7  
    indefinite lease terms, 4:8  
    sufficiency of writing, 4:5, 4:6  
    type size, 4:6  
Sublets, 4:290  
Substantial default, 4:182-4:184, 4:199, 4:200  
Tenants' associations, 4:291  
Termination for tenant's breach of covenant, 4:181  
Termination of monthly tenancies, notice, 4:221  
**Term or Duration of Lease or Tenancy** (this index)  
Time notice is deemed given, 4:224  
Type size, 4:6  
Unilateral mistake, 4:29  
**Use of Premises** (this index)  
**Utility Charges** (this index)  
Validity, 4:265  
Waiver  
    breach, 4:263  
    counterclaims, 4:239, 4:240  
    jury trial, 4:241, 15:383  
    nonwaivable, nonmodifiable rights, above  
Warranty of habitability, 4:183, 4:292  
Written agreement  
    generally, 4:13-4:17  
    enforcement problems, reduction of, 4:14  
    fixed lease term, 4:15-4:17  
    landlord's perspective, fixed lease term, 4:16  
    pros and cons, 4:13-4:17  
    statute of frauds, above  
    tenant's perspective, fixed lease term, 4:17  
**LEGALIZATION PROCESS**  
**Lofts** (this index)

**LEGAL RESIDUUM RULE**

Article 78 proceedings, **17:140**

**LEGIBILITY**

Nonpayment proceedings, pleadings,  
**14:73, 14:104, 14:223**

**LETTER**

Consumer collection letter, **1:178**

**LICENSES**

Generally, **3:20-3:51**

Agreement between licensor and  
licensee, irrevocable license,  
**3:24**

Cancellation at will, **3:23**

Construction, rule of, **3:25**

Defined, **3:20**

Domestic partners, **3:36**

Family member, **3:33-3:36**

HP proceedings, **16:232, 16:233**

Illegal evictions, **16:436**

Illegal evictions, New York City,  
**16:449**

Illusory tenancy, **3:26**

Irrevocable license, agreement  
between licensor and licensee,  
**3:24**

Landlord, defined, **2:12**

Lease, distinguished, **3:21-3:27**

Newsstand operator, self-help evic-  
tion of, **3:31**

Non-exclusive privilege to occupy  
premises, **3:22**

Nonpayment proceedings, service of  
process, **14:160, 14:161**

Non-traditional "family" members,  
**3:36**

Parties to lease agreements, real  
estate brokers, **4:40**

Perfection of security interests for  
commercial landlord, **3:27**

Premises liability, foreseeability,  
**12:6, 12:45**

**Roommates** (this index)

Self-help eviction, **3:30, 3:31**

Spouses, **3:34**

Stepchildren, **3:35**

Subleases and assignments, **4:141**

**LICENSES—Cont'd**

Summary proceedings, termination,  
**3:29**

Termination, **3:28-3:31**

Types of licenses, **3:32-3:51**

**LIFE ESTATES AND LIFE  
OCCUPANCIES**

Generally, **2:96-2:104**

Creation of life estate, **2:99-2:101**

Definitions, **2:97, 2:98**

Distinguished, **2:96-2:104**

Oral creation of life estate, **2:100,**  
**2:101**

Perpetual leases, **2:101**

Prospective purchasers, showing of  
property to, **2:104**

Reversion upon death of life tenant,  
**2:102**

Rights of landlord, **2:103, 2:104**

Waste, **10:136**

**LIGHTS AND LIGHTING**

Multiple dwelling law, **12:62, 12:63**

Warranty of habitability, **9:48, 9:54**

**LIMITATION OF ACTIONS**

**Statutes of Limitation** (this index)

**LIMITED-DIVIDEND HOUSING  
COMPANIES**

Government subsidized housing,  
New York State programs,  
**19:187**

**LIMITED-PROFIT HOUSING  
COMPANIES**

Government subsidized housing,  
New York State programs,  
**19:185, 19:186**

**LIQUIDATED DAMAGES**

Unconscionability, **10:17**

**LIS PENDENS**

**Notice of Tenancy to Third Parties**  
(this index)

**LOAN PROGRAMS, FEDERAL**

Generally, **19:120-19:173**

Adjustment of affordability restric-  
tions

generally, **19:141-19:153**

## INDEX

### LOAN PROGRAMS, FEDERAL

#### —Cont'd

- Adjustment of affordability restrictions—Cont'd
- disapproval, **19:146**
- federal incentives and transfer, **19:145-19:152**
- grounds for disapproval, **19:142-19:144**
- housing standards, **19:148**
- increases in rent, **19:147**
- materially increased hardship, defined, **19:143**
- notice to tenants, **19:153**
- priority purchasers, defined, **19:150**
- qualified purchasers, **19:149-19:152, 19:151**
- resident councils, defined, **19:152**
- sufficiency of affordable housing, **19:144**
- Disapproval of landlord, **19:125, 19:126**
- Due process, Section 221, **19:165**
- Eligibility of landlord, **19:124**
- Eligibility of tenant, **19:128**
- Eviction, **19:139**
- Good cause, termination of tenancies, **19:136, 19:137**
- Hazard reduction, **19:134**
- Housing standards, **19:148**
- HUD-owned projects, termination of tenancies, **19:140**
- Increases in rent, **19:132, 19:147, 19:160, 19:164, 19:165**
- Interest-reduction payments, Section 236, **19:167**
- Landlord participation, **19:123-19:126**
- Notice
  - intent to file preemption request, **19:157**
  - tenants, notices to, **19:129, 19:153, 19:156**
  - termination of tenancies, **19:138**
- Organization of tenants, **19:130**
- Preemption
  - generally, **19:154-19:161**

### LOAN PROGRAMS, FEDERAL

#### —Cont'd

- Preemption—Cont'd
  - affordability restrictions, maintaining, **19:161**
  - content of preemption request, **19:158**
  - decision on preemption request, **19:159**
  - increases in rent, **19:160**
  - notice of intent to file preemption request, **19:157**
  - notice to tenants, **19:156**
  - request for preemption, **19:155-19:159**
- Priority purchasers, defined, **19:150**
- Qualified purchasers, **19:149-19:152, 19:151**
- Rental agreement, **19:131**
- Request for preemption, **19:155-19:159**
- Resident councils, defined, **19:152**
- Review of disapproval of landlord, **19:126**
- Right of action, **19:133**
- Section 221
  - generally, **19:162-19:165**
  - due process, **19:165**
  - eligibility, **19:163**
  - rent and rent increases, **19:164, 19:165**
- Section 236
  - generally, **19:166-19:173**
  - amount of assistance, **19:172**
  - eligibility, **19:169-19:171**
  - interest-reduction payments, **19:167**
  - rental agreement, **19:173**
  - rental-assistance payments, **19:168-19:173**
  - tenant categories, **19:171**
- Tenant selection, **19:127, 19:128**
- Termination of tenancies
  - generally, **19:135-19:140**
  - eviction, **19:139**
  - good cause, **19:136, 19:137**
- HUD-owned projects, **19:140**
- notice, **19:138**

**LOAN PROGRAMS, FEDERAL**

—**Cont'd**

Types of programs, **19:121**

**LOAN PROGRAMS, NEW YORK CITY**

Generally, **19:288-19:294**

Inspections, **19:293**

Preferences, **19:290**

Rent and rent increases, **19:291**

Security deposits, **19:292**

Selection of tenants, **19:289, 19:290**

Termination of tenancy, **19:294**

**LOCAL EMERGENCY HOUSING RENT CONTROL ACT**

Rent control and rent stabilization, **11:26**

**LOCKOUTS**

Possession of property, **8:38-8:41**

**LOCKS**

Premises liability, **12:27**

Warranty of habitability, **9:68, 9:69**

**LODGERS**

**Guests and Lodgers** (this index)

**LOFTS**

Generally, **18:1 et seq., 18:244**

Abandonment, **18:171-18:173**

Access

generally, **18:66-18:75**

application for access, **18:69-18:74**

content of, and procedure for, access, **18:70**

dismissal, **18:73**

hearings, **18:72**

notice, **18:67, 18:68**

penalty for noncompliance, **18:74**

response of occupant to application, **18:71**

Action or inaction of owner, consequences of, **18:150**

Affected parties, application procedures, **18:21**

Allocation of costs by auditor, rent regulation, **18:120**

Alterations and development, defined, **18:137**

**LOFTS—Cont'd**

Amendment to statute, **18:28, 18:29,**

**18:79**

Annual filing and fee, registration, **18:39**

Answers

application procedures, **18:22**

improvements, **18:151**

LE application, rent regulation, **18:122**

Appeal of determinations, **18:26-18:30**

Application for access, **18:69-18:74**

Application procedures, **18:20-18:22**

Architect certification, rent regulation, **18:116**

Article 78 proceedings, service on New York City Loft Board, **17:150**

Auditor, rent regulation, **18:117-18:120**

“BRAC” tax, **18:30**

Certification of plans, legalization process, **18:62**

Challenge applications, improvements, **18:146-18:157**

Code compliance, **18:46-18:97**

Composition of Loft Board, **18:16**

Conferences, **18:24**

Constitutionality of 1987 amendment, **18:29**

Coverage

generally, **18:33-18:45**

disputes over coverage, **18:40**

protected residential occupants, below

registration, below

CPA certification, rent regulation, **18:115**

Deadlines for compliance

generally, **18:75-18:97**

amendment to statute, **18:79**

deemed in compliance, **18:82**

extensions of time, below

filing of narrative statement, **18:77,**

**18:81**

registration, **18:36**

renewal statutes, **18:80-18:86**

retroactivity of amendment, **18:83**

## INDEX

### LOFTS—Cont'd

Deadlines for compliance—Cont'd  
statute, **18:76-18:78**  
untimely compliance or  
noncompliance, below  
Decoverage, nonconforming units,  
**18:64**  
Deemed in compliance, **18:82**  
Defenses, untimely compliance or  
noncompliance, **18:89**  
Delegation of responsibility by Loft  
Board, **18:17**  
Depreciation, fair market value,  
**18:163**  
Deregulation of rent upon owner's  
purchase of improvements,  
**18:155**  
Determinations, **18:25**  
Diminishment of services, legaliza-  
tion process, **18:61**  
Disclosure form, improvements,  
**18:141-18:145**  
Escalators, rent regulation, **18:99**,  
**18:100**  
Executive director, rent regulation,  
**18:123**  
Expedited procedure, improvements,  
**18:140**  
Extensions of time  
generally, **18:93 et seq.**  
noncompliance application,  
consideration in tandem,  
**18:91**  
Fair market value, improvements,  
**18:147, 18:160-18:163**  
Filing requirements, sale of rights,  
**18:168-18:170**  
Fixtures, defined, **18:136**  
Good faith estimate, improvements,  
**18:148**  
Hardship exemptions, **18:13, 18:14**  
Hearings  
generally, **18:23, 18:24**  
access, **18:72**  
improvements, **18:153**  
Historical perspective, **18:1**  
Holdover proceedings  
generally, **18:178**  
content of petition, **15:270**

### LOFTS—Cont'd

Holdover proceedings—Cont'd  
grounds for holdover proceeding,  
**18:180, 18:181**  
multiple-dwelling registration  
statement  
non-NYC, **15:440**  
NYC, **15:270**  
notice, **18:183**  
NYC multiple-dwelling regis-  
tration statement, **15:270**  
petition defects, **15:440**  
registration, **18:179**  
subletting grounds, **18:181**  
Hotel order, **App. 18-12, App. 18-13**  
Improvements  
generally, **18:131-18:166**  
action or inaction of owner, conse-  
quences of, **18:150**  
alterations and development,  
defined, **18:137**  
answer of tenant, **18:151**  
challenge applications, **18:146-**  
**18:157**  
contents of disclosure form,  
**18:142**  
defined, **18:135-18:138**  
depreciation, fair market value,  
**18:163**  
deregulation of rent upon owner's  
purchase of improvements,  
**18:155**  
disclosure form, **18:141-18:145**  
expedited procedure, **18:140**  
fair market value, **18:147, 18:160-**  
**18:163**  
filing requirements, **18:149**,  
**18:158**  
fixtures, defined, **18:136**  
good faith estimate, **18:148**  
hearings, **18:153**  
historical perspective, **18:132**  
incoming tenants, **18:156, 18:157**  
nonprimary resident, right to sell,  
**18:166**  
objections of tenant to propriety of  
challenge application, **18:152**  
penalties for noncompliance,  
**18:159**

**LOFTS—Cont'd**

Improvements—Cont'd  
 persons who have right to sell,  
**18:164-18:166**  
 presumption of fair market value,  
**18:162**  
 price determined by Loft Board,  
 right to purchase at, **18:154**  
 procedure for buying or selling  
 improvements, **18:139-**  
**18:159**  
 protected residential occupant,  
 right to sell, **18:165**  
 removable items, **18:138**  
 second sales prohibited, **18:145**  
 service of disclosure form, **18:143**  
 statutory provision, **18:133, 18:134**  
 ten advisories, disclosure form,  
**18:144**  
 Increases in rent, rent regulation,  
**18:124-18:126**  
 Inspection form, sale of rights,  
**18:170**  
 Interim multiple dwelling, defined,  
**18:3-18:7**  
 LE application, rent regulation,  
**18:111-18:127**  
 Legalization process  
 generally, **18:47-18:65**  
 alternative plan must highlight cost  
 increases, **18:58**  
 certification of plans, **18:62**  
 content of narrative statement,  
**18:50**  
 cost not dispositive, unreasonable  
 interference, **18:57**  
 decovrage, nonconforming units,  
**18:64**  
 diminishment of services, **18:61**  
 initiation of proceeding to resolve  
 plan disputes, **18:59**  
 narrative statement, **18:49-18:51**  
 nonconforming units, **18:63-18:65**  
 objections by occupants, **18:53-**  
**18:61**  
 permanent unreasonable interfer-  
 ence, assertion of claim,  
**18:54-18:59**  
 scheduling of conference, **18:52**

**LOFTS—Cont'd**

Legalization process—Cont'd  
 service of narrative statement,  
**18:51**  
 temporary unreasonable interfer-  
 ence based on work perfor-  
 mance, **18:60**  
 tenant safety plan, **18:48**  
 unreasonable interference, **18:54-**  
**18:60**  
 Loft Board, **18:15-18:17, 18:244**  
 Maintenance and repairs, **10:88**  
 Narrative statement, legalization pro-  
 cess, **18:49-18:51**  
 Nonconforming units, legalization  
 process, **18:63-18:65**  
 Nonpayment of fines, consequences,  
**18:90**  
 Nonpayment proceedings, **14:132,**  
**14:133, 14:304, 18:175-18:177**  
 Notice  
 access, **18:67, 18:68**  
 holdover proceeding, **18:183**  
 Objections by occupants, legalization  
 process, **18:53-18:61**  
 Objections of tenant to propriety of  
 challenge application, improve-  
 ments, **18:152**  
 Owner obligations, **18:12-18:14**  
 Penalties for noncompliance, **18:74,**  
**18:159**  
 Percentage increases, rent regulation,  
**18:101**  
 Permanent unreasonable interference,  
 assertion of claim, **18:54-18:59**  
 Presumption of fair market value,  
 improvements, **18:162**  
 Profiteering, **18:182**  
 Protected residential occupants  
 generally, **18:41-18:45**  
 possession date is operative, **18:44**  
 prime lessee and occupant in pos-  
 session prior to effective date  
 of statute, **18:42, 18:43**  
 succession entitlements, **18:45**  
 Reconsideration of determinations,  
**18:27**  
 Referral of dispute for hearing, **18:23**

## INDEX

### LOFTS—Cont'd

Registration  
    generally, **18:34-18:39**  
    annual filing and fee, **18:39**  
    circumstances requirement  
        registration, **18:35**  
    content of application, **18:38**  
    deadlines, **18:36**  
    holdover proceedings, **18:179**  
    nonpayment proceedings, **18:176**  
    statute of limitations, **18:37**  
Regulations, **18:18**  
Removable items, **18:138**  
Renewal statutes, **18:31, 18:32,**  
    **18:80-18:86, 18:104, 18:105**  
Rent regulation  
    generally, **18:96-18:130**  
    allocation of costs by auditor,  
        **18:120**  
    amendment of 1987, units covered  
        by, **18:103**  
    amount set by lease in effect on  
        December 21, 1982, **18:98**  
    answer by tenant to LE applica-  
        tion, **18:122**  
    architect, certification by, **18:116**  
    auditor, role of, **18:117-18:120**  
    base rent, **18:97-18:102**  
    code compliance rent increase,  
        **18:125**  
    comparison of claimed charges  
        with schedule of costs and  
        application of regulatory  
        formula, **18:119**  
    contents of LE application, **18:112**  
    contents of notice of RGB increase  
        packet, **18:129**  
    CPA, certification by, **18:115**  
    escalators permitted, **18:99, 18:100**  
    executive director, role of, **18:123**  
    final rent order, **18:110-18:130**  
    financed work, **18:113**  
    increases in rent, **18:124-18:126**  
    LE application, **18:111-18:127**  
    Loft Board Order No. 1, **18:97-**  
        **18:102**  
    notice of RGB increase procedure,  
        **18:128-18:130**  
    percentage increases, **18:101**

### LOFTS—Cont'd

Rent regulation—Cont'd  
    precertification procedure, **18:114-**  
        **18:116**  
    renewal statutes, **18:104, 18:105**  
    RGB rent increase, **18:126**  
    service and filing of LE applica-  
        tion, **18:121**  
    service and filing of notice of RGB  
        increase, **18:130**  
    statute of limitations, **18:108,**  
        **18:109**  
    surcharges, **18:102**  
    treble damages, **18:107**  
    waiver of rights, **18:106**  
Retroactivity of amendment,  
    deadlines for compliance, **18:83**  
RGB rent increase, rent regulation,  
    **18:126**  
Rider B, sale of rights, **18:169**  
Sale of rights, **18:167-18:170**  
Scheduling of conference, legaliza-  
    tion process, **18:52**  
Service  
    disclosure form, improvements,  
        **18:143**  
    LE application, **18:121**  
    narrative statement, legalization  
        process, **18:51**  
    notice of RGB increase, **18:130**  
Statute of limitations, **18:37, 18:108,**  
    **18:109**  
Subletting, grounds for holdover  
    proceeding, **18:181**  
Succession entitlements, **18:45**  
Summary proceedings  
    generally, **18:174-18:182**  
    code compliance timetable,  
        nonpayment proceedings,  
        **18:177**  
    grounds for holdover proceeding,  
        **18:180, 18:181**  
    holdover proceedings, **18:178-**  
        **18:183**  
    nonpayment proceedings, **18:175-**  
        **18:177**  
    notices, holdover proceeding,  
        **18:183**

**LOFTS—Cont'd**

- Summary proceedings—Cont'd
  - registration, holdover proceedings, **18:179**
  - registration, nonpayment proceedings, **18:176**
  - subletting, grounds for holdover proceeding, **18:181**
- Surcharges, rent regulation, **18:102**
- Temporary unreasonable interference based on work performance, legalization process, **18:60**
- Ten advisories, disclosure form, **18:144**
- Tenant protections, **18:11**
- Termination of lease, **13:17**
- Time and date
  - deadlines for compliance, above
  - extensions of time, above
  - untimely compliance or noncompliance, below
- Treble damages, rent regulation, **18:107**
- 2011 Apartment and Loft Order # 43
- Unreasonable interference, legalization process, **18:54-18:60**
- Untimely compliance or noncompliance
  - generally, **18:87-18:92**
  - defenses, **18:89**
  - extensions of time, above
  - findings of noncompliance and penalties, **18:88-18:91**
  - nonpayment of fines, consequences, **18:90**
  - rent, inability to recover, **18:92**
- Waiver of rights, rent regulation, **18:106**
- Warranty of habitability, **9:11, 9:26**
- "LOSS OF THE BARGAIN"**
  - Possession of property, **10:31**
- LOST PROFITS**
  - Article 78 proceedings, **17:175**
  - Illegal evictions, **16:418**
  - Possession of property, **8:24, 10:32**
- LOT LINE WINDOWS**
  - Rent control and rent stabilization, **11:280**

**LOW-INCOME HOUSING CREDITS**

- Generally, **19:175-19:182**
- Contract term, **19:178**
- Credit amount, **19:179**
- Eligibility, **19:177**
- Landlord participation, **19:176**
- Rent, amount of, **19:180**
- State monitoring, **19:181**
- LOW-INCOME HOUSING TRUST-FUND PROGRAM**
- Generally, **19:237-19:260**
- Disabled tenants, **19:254**
- Displacement prohibited, selection of tenants, **19:248**
- Elderly tenants, **19:254**
- Income verification, selection of tenants, **19:247**
- Increases in rent, **19:258, 19:259**
- Local rent regulation, **19:249, 19:250**
- Non-English speaking communities, **19:256**
- Oversight, **19:251, 19:252**
- Participation of landlords
  - generally, **19:238-19:243**
  - contract term/regulatory period, **19:241**
  - eligible areas, defined, **19:239**
  - performance review, **19:243**
  - profits, **19:242**
  - sale of premises, **19:240**
- Performance review, participation of landlords, **19:243**
- Preferences, selection of tenants, **19:246**
- Profits, participation of landlords, **19:242**
- Remedies for breach, **19:252**
- Rent, **19:257-19:259**
- Rental agreement
  - generally, **19:253-19:256**
  - disabled and elderly tenants, **19:254**
  - non-English speaking communities, **19:256**
  - rights and responsibilities of tenants, **19:255**

## INDEX

**LOW-INCOME HOUSING TRUST-FUND PROGRAM**  
—Cont'd  
    Rent regulations, applicability of, **19:260**  
    Sale of premises, participation of landlords, **19:240**  
    Selection of tenants  
        generally, **19:244-19:248**  
        displacement prohibited, **19:248**  
        income verification, **19:247**  
        preferences, **19:246**  
        very low-income, defined, **19:245**  
    Very low-income, defined, **19:245**

**LOW-INCOME TURNKEY-HOUSING TRUST FUND PROGRAM**  
    Generally, **19:261-19:279**  
    Eligibility of loans, **19:276, 19:277**  
    Eligible developers, **19:262, 19:263**  
    Eligible landlords, **19:264, 19:265**  
    Housing Development Fund, **19:275**  
    Housing Development Fund Companies, **19:277**  
    Income verification, selection of tenants, **19:268**  
    Increases in rent, **19:271**  
    Municipal Housing Development Funds, **19:279**  
    Negligence liability, **19:262, 19:263**  
    Oversight, **19:273, 19:274**  
    Preferences, selection of tenants, **19:267**  
    Regulatory period, **19:272**  
    Remedies for breach, **19:274**  
    Rent, amount of, **19:270, 19:271**  
    Sale of premises, **19:265**  
    Selection of tenants  
        generally, **19:266-19:269**  
        income verification, **19:268**  
        preferences, **19:267**  
        rental agreement, **19:269**  
    Tenant eligibility, **19:278**

**LUXURY DEREGULATION**  
**Rent Control and Rent Stabilization** (this index)

**MAIL, SERVICE BY**  
    Article 78 proceedings, **17:151**

**MAILBOXES**  
    Rent control and rent stabilization, New York City, **11:274**

**MAINTENANCE AND REPAIRS**  
    Generally, **10:82-10:99, 10:140, 10:141**  
    Breach, establishment of, **10:84, 10:91-10:99**  
    Clean hands, economic infeasibility defense, **10:97**  
    Commercial leases, **10:83-10:85**  
    Cooperative and condominium occupants, **2:136**  
    Creation of tenancy, **2:89-2:92**  
    Damages, **10:94, 10:141**  
    Delegation of duty, **2:90, 10:92, 19:95**  
    Economic infeasibility defense  
        generally, **10:95-10:98**  
        clean hands, **10:97**  
        evidence, **10:96**  
        residential premises, **10:98**  
    Evidence, economic infeasibility defense, **10:96**  
    Exclusivity of possession, **2:31**  
    Governmental landlords, **10:93**  
    Harassment, New York City tenants in premises formerly used for manufacturing and warehouse purposes protected from, **10:89, 10:90**  
**HP Proceedings** (this index)  
    Lease agreements, **4:168, 4:169**  
    Loft tenants, **10:88**  
    Marine rule, **10:99**  
    New York City tenants in premises formerly used for manufacturing and warehouse purposes protected from harassment, **10:89, 10:90**  
    Nonpayment proceedings, stipulations, **14:424, 14:425**  
**Premises Liability** (this index)  
    Remedies, **10:85, 10:140, 10:141**  
    Rent control and rent stabilization, increase of rent, **11:238**

**MAINTENANCE AND REPAIRS**

—**Cont'd**

Residential leases, **10:86-10:99**  
Statutory duty of multiple dwelling  
owners, **10:87**

**MAJOR CAPITAL  
IMPROVEMENTS**

**Rent Control and Rent Stabiliza-**  
tion (this index)

**MALPRACTICE**

Attorneys, **1:154, 1:155**

**MANAGING AGENT**

Article 7-A proceedings, service,  
**16:81**

**MANDAMUS**

Article 78 proceedings, **17:108-**  
**17:110**

**MANUFACTURED HOME PARKS**

Generally, **2:153-2:159**  
Access, **2:157, 4:200**  
Illegal evictions, **16:385, 16:395**  
Increase in rent, notice of, **2:154**  
Late charges, **4:79**  
Lease, offer of, **2:154**  
Lease agreements  
generally, **4:294**  
access, failure or refusal to provide  
as substantial default, **4:200**  
notice, **4:223**  
rules and regulations, **4:189, 4:190**

Notice, **4:223**

Property taxes, **4:219**

Registration of service and park  
rules, **2:159**

Rules and regulations, **4:189, 4:190**

Security deposits, **2:156, 7:69**

Subleases and assignments, **4:142**

Termination of lease, **13:71**

Term or duration of lease or tenancy,  
**4:25**

Utility charges, **4:85**

Warranty of habitability, **2:158, 9:12,**  
**9:27**

**MANUFACTURING**

Immoral or illegal use of occupancy,  
**13:75**

**MARITAL STATUS**

**DISCRIMINATION**

**Family or Marital Status**  
Discrimination (this index)

**MEETING WITH CLIENT**

Initial Client Meeting (this index)

**MILITARY SERVICE**

Generally, **2:172, 13:158-13:163**  
Filing non-military affidavit  
holdover proceedings, **15:390-**  
**15:392**  
nonpayment proceedings, **14:253-**  
**14:255, 14:514**

**Holdover Proceedings** (this index)

**Nonpayment Proceedings** (this  
index)

Notice of petition

holdover proceedings, **15:238**  
nonpayment proceedings, **14:101**

Penalties for interference by landlord,  
**13:163**

Procedure for termination of lease,  
**13:160**

Remedies of landlord, **13:162**

Rent, liability for, **13:161**

Scope of statutory protection, **13:159**

Surrender upon tenant's entering  
military service, **8:53**

Tenancy, special types of tenants,  
**2:172**

**MINORS**

**Children and Minors** (this index)

**MISREPRESENTATION**

**Fraud and Deceit** (this index)

**MISTAKE**

Lease agreements, **4:28, 4:29**  
Nonpayment proceedings, vacatur of  
stipulations, **14:443**

**MITCHELL-LAMA HOUSING**

Generally, **19:185, 19:186**  
Race discrimination, enforcement of  
integration, **5:130, 5:131**

## INDEX

**MITIGATION OF DAMAGES**  
Abandonment or early termination, **10:105-10:107**  
Creation of tenancy, **2:61**  
HP proceedings, **16:291 et seq.**  
Surrender of possession, **8:55-8:57**  
Warranty of habitability, **9:79, 9:80, 14:393**

**MIXED-USE HOTELS**  
Transient hotel occupants, **3:64**

**MOBILE HOMES**  
**Manufactured Home Parks** (this index)

**MOLD**  
Warranty of habitability, **9:56**

**MONTH-TO-MONTH TENANCIES**  
Generally, **2:107, 2:113**  
Nonpayment proceedings, **14:47, 14:294**  
**Termination of Lease** (this index)

**MORTGAGES**  
Landlord, defined, **2:9**  
Nonpayment proceedings, **14:360**  
**Notice of Tenancy to Third Parties** (this index)  
Waste, **10:135**

**MOTELS**  
Americans With Disabilities Act, **5:65**

**MOTIONS**  
**Nonpayment Proceedings** (this index)

**MOTOR COURTS**  
Rent control and rent stabilization, **11:67, 11:100**

**MULTIPLE DWELLING LAW**  
Generally, **12:56-12:67**  
Common law duty survives, **12:68**  
Delegation of duty, **12:58**  
Door locks, **12:64**  
Exterior lighting, **12:63**  
Intercom systems, **12:65**  
Interior lighting, **12:62**  
Lighting, **12:62, 12:63**

**MULTIPLE DWELLING LAW**  
—**Cont'd**  
Notice required, **12:59**  
Owner, defined, **12:60**  
Reasonably safe condition, defined, **12:57**  
Smoke detectors, **12:66**

**MUNICIPAL HOUSING DEVELOPMENT FUNDS**  
Low-income turnkey-housing trust fund program, **19:279**

**MURDER**  
Premises liability, failure to disclose that property was location of, **12:209**

**MUTUAL COVENANTS**  
**Rights and Obligations of Tenancy** (this index)

**“NAIL AND MAIL”**  
Article 7-A proceedings, service of notice of petition and petition, **16:83**

**NARCOTICS**  
**Drug Use and Sales** (this index)

**NATIONAL ORIGIN OR ANCESTRY DISCRIMINATION**  
Generally, **5:138-5:141**  
Interview procedures, **5:141**  
Market plan did not discriminate, **5:140**  
Prima facie case, **5:139**

**NAVIGATION LAW § 181**  
Generally, **12:148-12:154**  
Delivery truck owner, liability of, **12:154**  
Oil broker, liability of, **12:153**  
Parties liable, **12:151-12:154**  
Retroactive application, **12:150**  
Strict liability, **12:149**  
Tenant, liability of, **12:152**

**NECESSARY PARTIES**  
Nonpayment proceedings, **14:116**

**NEGLIGENCE**

Insurance, **4:206**  
Low-income turnkey-housing trust fund program, **19:262, 19:263**  
**Premises Liability** (this index)

**NEGLIGENCE PER SE**

Environmental liability, **12:167**

**NEGOTIATIONS**

Generally, **1:142-1:148**  
Authority of attorney to settle, **1:144**  
Communication of all offers to client, **1:145**  
Compliance of tenant with terms of lease, ensuring of, **1:146-1:148**  
Investigation of tenant's personal, professional, and financial references, **1:147**  
Personal guarantees of tenant, **1:148**  
Techniques and strategies, **1:143-1:145**

**NET LEASES**

Creation of tenancy, **2:53, 2:54**

**NEWSSTAND OPERATORS**

Self-help eviction, **3:31**

**NEW YORK CITY**

Civil Court Housing Judges, nonpayment proceedings, **14:451**  
**Civil Court of City of NY** (this index)  
**Disabled Persons, Discrimination Against** (this index)  
Discrimination, **5:105-5:124**  
Family or marital status discrimination, sexual orientation, **5:155**  
Housing Authority, waiver of pet restrictions, **4:196**  
HP proceedings, **16:248**  
**Lease Agreements** (this index)  
Maintenance and repairs, tenants in premises formerly used for manufacturing and warehouse purposes protected from harassment, **10:89, 10:90**  
New York City Lead Poisoning Prevention Act of 2003, **12:87 et seq.**

**NEW YORK CITY—Cont'd**

Pets, waiver of restrictions, **4:195, 4:196**  
Property taxes, exemptions, **4:217**  
**Rent Control and Rent Stabilization** (this index)  
**Termination of Lease** (this index)  
Term or duration of lease or tenancy, **2:37, 4:24, 4:55**  
Transient hotel occupants, **3:63**  
**Yellowstone Injunctions** (this index)

**NEW YORK CITY LEAD POISONING PREVENTION ACT OF 2003**

Generally, **12:87 et seq.**

**NEW YORK CONSUMER PROTECTION ACT**

Attorneys, **1:174**

**NOISE**

Rent control and rent stabilization, complaints between neighbors, **11:400**  
Warranty of habitability, **9:57-9:61**

**NOMINAL DAMAGES**

Warranty of habitability, **9:113**

**NON-MILITARY AFFIDAVITS**

Holdover proceedings, **15:390-15:392**  
Nonpayment proceedings, **14:253-14:255, 14:514**

**NONPAYMENT AS WASTE**

Generally, **10:135**

**NONPAYMENT PROCEEDINGS**

Generally, **14:1-14:529**  
Abatement of rent generally, **14:383-14:387, 14:396**  
applicability, **14:384**  
attorneys' fees, **14:496, 14:502**  
burden of proof, **14:386**  
rent deposit required, **14:387**  
rent-impairing violation, **14:385**  
Absence of lease or other agreement, **14:10**  
Acceptance of rent after issuance of warrant, **14:495**

## INDEX

### NONPAYMENT PROCEEDINGS

#### —Cont'd

- Accord and satisfaction, **14:364, 14:365**
- Actual eviction as defense, **14:329-14:332**
- Adjournments, hearing and trial, **14:453-14:456**
- Admit, notice to, **14:412**
- Agent or attorney as petitioner, **14:77, 14:276**
- Amendment of description, **14:300**
- Amendment of judgments, **14:468**
- Amendment or correction of Multiple Dwelling Registration statement, **14:302, 14:303, 14:308**
- Answer
  - generally, **14:215-14:255**
  - attorneys' fees, counterclaims, **14:231**
  - caption, **14:224**
  - compulsory counterclaims, **14:238**
  - content of answer, **14:226-14:244**
  - counterclaims, **14:229-14:238**
  - defenses, **14:228**
  - denials, **14:227**
  - equitable claims or defenses, waiver of jury trial, **14:244**
  - excusable default, **14:251**
  - failure to answer, **14:245-14:255**
  - Fair Credit Reporting Acts, counterclaims, **14:237**
  - form, answer with counterclaim, **14:522**
  - form of answer, **14:220-14:225**
  - inextricably related counterclaims, **14:230-14:235**
  - judicially imposed protections, failure to answer, **14:247**
  - jury demand, **14:240-14:244**
  - lease agreement, waiver of jury trial, **14:243**
  - meritorious defense, vacatur of default, **14:252**
  - non-military affidavit, filing of, **14:253-14:255**
  - oral answer, **14:221**
  - overcharge of rent, counterclaims, **14:232, 14:233**

### NONPAYMENT PROCEEDINGS

#### —Cont'd

- Answer—Cont'd
  - persons who may answer, **14:216**
  - quality, size, legibility, and language, **14:223**
  - recitation of factual particulars, filing of non-military affidavit, **14:254**
  - sanctions, filing of non-military affidavit, **14:255**
  - security deposits, counterclaims, **14:234**
  - service and filing, **14:225**
  - severance of unrelated counterclaims, **14:236, 14:237**
  - time for answer, **14:217-14:219**
  - time for jury demand, **14:241**
  - vacatur of default, **14:249-14:252**
  - verification, **14:239**
  - waiver of jury trial, **14:242-14:244**
  - warranty of habitability, counterclaims, **14:235**
  - written answer, **14:222-14:225**
- Apartment number, **14:121, 14:296**
- Assignee of rents as petitioner, **14:284**
- Attachments, New York City Section 8 tenants, **14:140**
- Attorneys
  - debt collectors, signature on written rent demand, **14:21**
  - endorsement, **14:107**
  - fees. Attorneys' fees, below verification, **14:155**
- Attorneys' fees
  - generally, **14:396, 14:496-14:507**
  - abatement, prevailing party, **14:396, 14:502**
  - advance notice of intent to recover fees, **14:504**
  - American rule, **14:496**
  - commercial tenants, **14:498**
  - counterclaims, **14:231**
  - prevailing party, **14:500-14:503**
  - reciprocal rights of residential tenants, **14:497**

**NONPAYMENT PROCEEDINGS**

—Cont'd

Attorneys' fees—Cont'd  
 same action or proceeding, **14:506, 14:507**  
 section 8 tenant, nonrecoverable from, **14:507**  
 statutory tenancies, **14:499**  
 stipulations  
     prevailing party, **14:503**  
     ultimate outcome, entitlement predicated on, **14:505**  
 Bankruptcy, discharge, **14:343**  
 Bill of particulars, **14:415, 14:416**  
 Burden of proof  
     abatement of rent, **14:386**  
     laches, **14:347-14:349**  
     N.Y. Real Prop. Act § 755 stay, **14:379**  
 Calendar practice, **14:403**  
 Caption, **14:74, 14:105, 14:224, 14:274-14:277**  
 Certificate of occupancy, defenses, **14:338-14:342**  
 Certification procedure for New York City Section 8 tenants, **14:65-14:67**  
 Certification statement, New York City Section 8 tenants, **14:139, 14:140**  
**Civil Court of City of NY** (this index)  
 Collusion, vacatur of stipulations, **14:443**  
 Commercial premises, **14:8, 14:142, 14:400**  
 Common law antecedents, **14:2**  
 Complete description of premises, **14:123, 14:297**  
 Complicity of tenant, defenses, **14:342**  
 Compromise and settlement, **14:367-14:369**  
 Compulsory counterclaims, **14:238**  
 Conditional limitation for rent defaults, **14:7, 14:8**  
 Condominiums  
     board of managers as petitioner, **14:79, 14:285**

**NONPAYMENT PROCEEDINGS**

—Cont'd

Condominiums—Cont'd  
 rent regulatory status, **14:143**  
 unit owner as respondent, **14:292**  
 warranty of habitability, **14:401**  
 Conforming pleadings to proof, motion, **14:464**  
 Consent judgment not appealable, **14:429**  
 Conspicuous-place service  
     generally, **14:185-14:200**  
     business hours, **14:189, 14:195**  
     commercial tenants, **14:194-14:197**  
     completion of service, **14:200**  
     form, affidavit, **14:521**  
     mailing requirement, **14:198, 14:199**  
     presumption of regularity and receipt, mailing, **14:199**  
     reasonable application, **14:186-14:197**  
     residential respondents, **14:187-14:193**  
     rest hours, residential respondents, **14:190**  
     Sundays and religious holidays, residential respondents, **14:191**  
     unknown whereabouts of respondent, **14:193, 14:197**  
     weekends and prior to normal work hours, residential respondents, **14:188**  
 Constructive eviction as defense, **14:333-14:337**  
 Cooperative units, rent regulatory status, **14:144**  
 Corporations  
     personal service, **14:167-14:169**  
     petitioners, **14:111-14:113, 14:152**  
     respondent, statement of interest of, **14:117**  
 Correction of defects in demand, **14:54**  
 Counterclaims, **14:229-14:238**  
 County tenants, **14:59**

## INDEX

### NONPAYMENT PROCEEDINGS

#### —Cont'd

- Curable nature of rent defaults, **14:6-14:8**
- Debtor-creditor, **14:359**
- De facto multiple dwellings, registration statement for premises within New York City, **14:131-14:133**
- Default, remedy for
  - generally, **14:426**
  - attorney fees, **14:430**
  - consent judgment nonappealable, **14:429**
- issuance of final judgment, **14:428, 14:429**
- restoration of case to court calendar, **14:427**
- termination of proceeding, **14:431**
- Defenses
  - generally, **14:228, 14:256-14:398**
  - abatement of rent, above
  - actual eviction, **14:329-14:332**
  - affidavit of service, **14:263**
  - attorney's verification, defective, **14:321**
  - certificate of occupancy, **14:338-14:342**
  - commercial premises, certificate of occupancy, **14:341**
  - complicity of tenant, certificate of occupancy, **14:342**
  - constructive eviction, **14:333-14:337**
  - demand for rent, below
  - detailed and specific objection, **14:259**
  - direct impact on tenant, certificate of occupancy, **14:339, 14:340**
  - in personam jurisdiction, lack of, **14:258-14:264**
  - laches, below
  - landlord-tenant relationship, below
  - multiple dwelling registration, lack of, **14:362**
  - notarial errors, defective verification, **14:320**
  - notice of petition, below

### NONPAYMENT PROCEEDINGS

#### —Cont'd

- Defenses—Cont'd
  - N.Y. Mult. Dwell. Law § 302-a.
  - Abatement of rent, above
  - N.Y. Real Prop. Act § 755 stay, below
  - partial actual eviction, **14:330-14:332**
  - partial constructive eviction, **14:334-14:336**
  - payment of rent demanded, below
  - petition, below
  - pleading-related defects, **14:265-14:328**
  - possession, party not in, **14:371-14:374**
  - predicate notices, defective, **14:257**
  - process server, testimony of, **14:261, 14:262**
  - removal of party before or after commencement of proceeding, **14:372, 14:373**
  - Speigel defense, N.Y. Soc. Serv. Law § 145-b, **14:388**
  - statutory violations, **14:377-14:388**
  - subject matter jurisdiction, lack of, **14:256, 14:257**
  - subtenants, constructive eviction, **14:337**
  - traverse hearing, **14:260-14:263**
  - unlawful rent, **14:375, 14:376**
  - verification, defective, **14:319-14:321**
  - waiver of service-related objections, **14:264**
- Warranty of Habitability** (this index)
- Demand for rent
  - generally, **14:15-14:56, 14:126, 14:312**
  - absence of handwritten signature, **14:42**
- attorneys as debt collectors, **14:21, 14:21-14:23**
- business debts excluded, **14:31**
- content of communications, **14:34**
- contents of demand, **14:52, 14:53**

**NONPAYMENT PROCEEDINGS**

—Cont’d

Demand for rent—Cont’d  
 correction of defects in demand,  
**14:54**  
 defense based on defective demand  
 generally, **14:322-14:328**  
 factual specificity, **14:324**  
 oral demand, **14:326**  
 service, improper, **14:327**  
 sufficiency of demand, **14:323**  
 waiver of objection, **14:328**  
 wrong party, demand made by,  
**14:325**  
 dishonored checks, **14:30**  
 exception for legal remedies, **14:25**  
 expansion of statutory notice  
 period by lease, **14:44-14:46**  
 Federal Debt Collection Practices  
 Act, **14:20 et seq.**  
 forms, **14:508, 14:509**  
 “Initial communication,” defining,  
**14:36**  
 lease may prohibit oral demand,  
**14:17**  
 length of time demand is effective,  
**14:55**  
 noncompliance with FDCPA,  
 avoiding, **14:33**  
 oral demand, **14:16, 14:17, 14:326**  
 persons who may sign written rent  
 demand, **14:20-14:23**  
 place of communications, **14:39**  
 potential damages, amount of,  
**14:32**  
 rental arrears as falling within defi-  
 nition of “debt,” **14:29**  
 service of demand, **14:48, 14:56,**  
**14:327**  
 specificity of demand, **14:50,**  
**14:324**  
 specific payment date, absence of,  
**14:51**  
 statute of limitations, **14:40**  
 statutory minimum written notice,  
**14:43**  
 sufficiency of demand, **14:49-**  
**14:53**

**NONPAYMENT PROCEEDINGS**

—Cont’d

Demand for rent—Cont’d  
 summary proceedings, effect of  
 Federal Debt Collection Prac-  
 tices Act, **14:22**  
 thirty day dispute-validation  
 period, **14:35**  
 time of written rent demand, **14:19**  
 timing of communications, **14:38**  
 waiver of objection, **14:328**  
 written rent demand, **14:18-14:46**  
 wrong party, demand made by,  
**14:325**  
 De minimis defaults, stipulations,  
**14:434-14:436**  
 Description of premises, **14:120-**  
**14:123, 14:295-14:300**  
 Disclosure  
 generally, **14:407**  
 ample need, **14:408-14:410**  
 exceptions, **14:411-14:413**  
 notice to admit, exception, **14:412**  
 notice to produce, exception,  
**14:413**  
 possessory judgment due to  
 noncompliance, **14:414**  
 Dismissal motions, **14:404, 14:463**  
 Economic-feasibility cases,  
 discovery, **14:410**  
 Employee of corporation, personal  
 service, **14:169**  
 Employer-employee, **14:361**  
 Equitable claims or defenses, waiver  
 of jury trial, **14:244**  
 Estate of tenant as respondent,  
**14:288**  
 Estoppel, **14:406**  
 waiver and estoppel, below  
 Excusable default, **14:251**  
 Fair Credit Reporting Acts,  
 counterclaims, **14:237**  
 Federal Debt Collection Practices  
 Act, **14:20 et seq., 14:23, 14:33**  
 Federally subsidized tenants, **14:64**  
 Fees on fees, **14:501**  
 Fictitious name, known respondent  
 identified by, **14:277**

## INDEX

### NONPAYMENT PROCEEDINGS

#### —Cont'd

- Filing proof of service. Service of process, below
- Foreign corporations, statement of interest of, **14:112, 14:113**
- Forms
  - generally, **14:508-14:532**
  - affidavit of service, **14:519-14:521**
  - answer with counterclaim, **14:522**
  - authorization to secure certified copy of MDR, **14:532**
  - conspicuous-place service, affidavit of, **14:521**
  - demand for rent, **14:508, 14:509**
  - district courts, notice of petition, **14:512**
  - judgment upon tenant's failure to answer, **14:528**
  - New York City Civil Court, notice of petition, **14:510**
  - New York State District Courts, **14:512**
  - notice of eviction, **14:530, 14:531**
  - notice of motion to dismiss with affidavit in support, **14:523**
  - notice of petition, **14:510-14:512**
  - order to show cause to vacate default judgment and warrant, **14:524**
  - personal service, affidavit of, **14:519**
  - stipulation of settlement, **14:526, 14:527**
  - substituted service, affidavit of, **14:520**
  - vacatur of default judgment and warrant, **14:524, 14:525**
  - verification, below
  - warrant, **14:529**
- Fraud, vacatur of stipulations, **14:443**
- Good cause, vacatur of warrant, **14:494**
- Governments
  - notice of claim against government and municipal tenants, below
  - personal service, **14:171**
  - verification, **14:154**

### NONPAYMENT PROCEEDINGS

#### —Cont'd

- Government subsidized housing, New York State programs, **19:221**
- Guarantor as respondent, **14:82, 14:293**
- Guests of respondent, substituted service, **14:181**
- Habitability breaches, **14:392**
- Harassment
  - generally, **14:352-14:354**
  - commercial tenant, **14:354**
  - residential tenant, **14:353**
- Harsh terms, vacatur of stipulations, **14:447**
- Hearing and trial
  - generally, **14:449 et seq.**
  - adjournments, **14:453-14:456**
  - affirmative defenses and counterclaims, **14:460**
  - conforming pleadings to proof, motion, **14:464**
  - dismissal motions, **14:463**
  - excessive adjournments by landlord, **14:456**
  - motions at trial, **14:462-14:464**
  - New York City Civil Court Housing Judges, **14:451**
  - opening statements, **14:458**
  - prima facie case, **14:459**
  - summations, **14:461**
  - time or date, **14:269**
  - trier of fact, **14:450**
- Historical perspective, **14:1-14:4**
- Incarcerated respondent, **14:172**
- Inextricably related counterclaims, **14:230-14:235**
- In personam jurisdiction, lack of, **14:258-14:264**
- Interests of parties, defects as to, **14:278-14:294**
- Inventory, preparation of, **14:480**
- Judgments
  - generally, **14:467-14:473**
  - amendments, **14:468**
  - defects, **14:469**
  - enforcement of money judgments, **14:470**

## NONPAYMENT PROCEEDINGS

## —Cont'd

- Judgments—Cont'd
  - interest, **14:471**
  - judicially imposed conditions and protections, **14:473**
  - stipulations, **14:472**
  - stipulations: amount recoverable upon breach, **14:472**
- Jurisdiction, **14:130**
- Jury demand, **14:240-14:244**
- Laches
  - generally, **14:344-14:351**
  - burden of proof, **14:347-14:349**
  - commercial disputes, **14:351**
  - effect, **14:345**
  - excessive delay by landlord, **14:348**
  - prejudice to tenant, **14:349**
  - reasonable excuse for delay, **14:350**
  - three month rule, **14:346**
- Landlord-tenant relationship
  - generally, **14:355-14:361**
  - contract or agreement, lack of, **14:356**
  - debtor-creditor, **14:359**
  - employer-employee, **14:361**
  - mortgagor-mortgagee, **14:360**
  - parties to contract of sale, **14:357**
  - tenants in common, **14:358**
- Language of pleadings, **14:73, 14:104, 14:223**
- Late payment of rent arrears, de minimis defaults, **14:435**
- Lease agreement, waiver of jury trial, **14:243**
- Legibility of pleadings, **14:73, 14:104, 14:223**
- Licensing requirement, service of process, **14:160, 14:161**
- Lofts, **14:132, 14:133, 14:304, 18:175-18:177**
- Mailing requirement. Service of process, below
- Map or plan, description of premises, **14:122, 14:298**
- Meritorious defense, vacatur of default, **14:252**

## NONPAYMENT PROCEEDINGS

## —Cont'd

- Military affidavit
  - sample form, **14:514**
- Military personnel, **14:173**
- Military service
  - non-military affidavit, filing, **14:253-14:255, 14:514**
  - notice, **14:101**
- Minors, substituted service, **14:177**
- Mistake, vacatur of stipulations, **14:443**
- Modification of lease agreement, **14:366**
- Month-to-month tenants, **14:47, 14:294**
- Mortgagor-mortgagee, **14:360**
- Motion practice
  - generally, **14:402-14:417**
  - admit, notice to, **14:412**
  - ample need requirement, **14:408-14:410, 14:416**
  - bill of particulars, **14:415, 14:416**
  - calendar practice, **14:403**
  - disclosure
    - generally, **14:407**
    - ample need, **14:408-14:410**
    - exceptions, **14:411-14:413**
    - notice to admit, exception, **14:412**
    - notice to produce, exception, **14:413**
  - possessory judgment due to noncompliance, **14:414**
  - dismissal motion, **14:404**
  - failure to oppose motion, generally, **14:417**
  - judicial estoppel, **14:406**
  - possessory judgment may ensue for disclosure noncompliance, **14:414**
  - produce, notice to, **14:413**
  - summary judgment, **14:405**
- Multiple dwelling registration, **14:129-14:135, 14:301-14:309, 14:362**
- Municipal tenants. Notice of claim against government and municipal tenants, below

## INDEX

### NONPAYMENT PROCEEDINGS

#### —Cont'd

- Necessary parties, **14:116**
- Neighbors of respondent, substituted service, **14:181**
- New York City Civil Court Housing Judges, **14:451**
- New York City Section 8 tenants, statement of rent regulatory status, **14:138-14:140**
- Non-military affidavit, filing of, **14:253-14:255**
- Notarial errors, defective verification, **14:320**
- Notice of claim against government and municipal tenants generally, **14:57-14:63**
  - county tenants, **14:59**
  - municipal tenants, **14:60, 14:61**
  - New York City, **14:60**
  - time requirements, **14:58-14:63**
  - town tenants, **14:62**
  - village tenants, **14:63**
- Notice of eviction and warrant generally, **14:474-14:488**
  - acceptance of rent after issuance of warrant, **14:495**
  - additional notice after 30 days or stay of eviction, **14:479**
  - calculation of earliest eviction date, **14:476-14:478**
  - content, **14:475**
  - eviction vs. legal possession, **14:481-14:484**
  - form, **14:530, 14:531**
  - good cause, vacatur of warrant, **14:494**
  - inventory, preparation of, **14:480**
  - items which may not be removed, **14:485**
  - New York City, **14:490-14:492**
  - parties against whom warrant is enforceable, **14:488**
  - personal service, calculation of earliest eviction date, **14:477, 14:478**
  - personality, liability of landlord for remaining, **14:484**
  - social service call-ins, **14:487**

### NONPAYMENT PROCEEDINGS

#### —Cont'd

- Notice of eviction and warrant
  - Cont'd
  - stays, **14:489**
  - vacatur of warrant, **14:493**
  - warehouse sale of stored goods, **14:486**
- Notice of petition
  - generally, **14:68-14:101, 14:127, 14:313**
  - agent or attorney as petitioner, **14:77**
  - attorney or landlord, notice issued by, **14:268**
  - caption, **14:74**
  - clerk's endorsement, **14:267**
  - condominium board of managers as petitioner, **14:79**
  - content of notice, **14:86-14:101**
  - court name and venue omitted, **14:271**
  - defense based on defect in notice generally, **14:266-14:272**
  - attorney or landlord, notice issued by, **14:268**
  - clerk's endorsement, **14:267**
  - court name and venue omitted, **14:271**
  - hearing date or time, **14:269**
  - misleading notice, **14:270**
  - party's name or status, misstatement as to, **14:272**
  - estate of tenant as respondent, **14:81**
  - form of notice, **14:72-14:85**
  - forms, **14:510-14:512**
  - guarantor as respondent, **14:82**
  - hearing date or time, **14:269**
  - military service notice, **14:101**
  - misleading notice, **14:270**
  - New York City Civil Court, persons who may issue, **14:70**
  - N.Y. Real Prop. Acts Law § 731, below
  - N.Y. Real Prop. Acts Law § 732, below
  - official notice satisfies requirements, **14:99-14:101**

**NONPAYMENT PROCEEDINGS****—Cont'd**

Notice of petition—Cont'd  
 parties, **14:75-14:85**  
 party's name or status, misstatement as to, **14:272**  
 persons who may issue, **14:69-14:71**  
 petitioner, **14:76-14:79**  
 power of attorney, person holding, **14:78, 14:79**  
 quality, size, legibility, and language, **14:73**  
 respondents, **14:80-14:85**  
 Section 8 tenants, respondents, **14:83**  
 show cause order, **14:71**  
 subtenant as respondent, **14:84**  
 Notice to admit, **14:412**  
 Notice to produce, **14:413**  
 N.Y. Mult. Dwell. Law § 302-a.  
 Abatement of rent, above  
 N.Y. Real Prop. Act § 755 stay  
 generally, **14:378-14:382**  
 burden of proof, **14:379**  
 rent deposit required, **14:381**  
 tenant-caused condition, **14:380**  
 vacatur, **14:382**  
 N.Y. Real Prop. Acts Law § 731  
 generally, **14:94-14:98**  
 place of hearing, **14:95**  
 preclusive impact, inform of, **14:97**  
 relief sought, **14:98**  
 time and date of hearing, **14:96**  
 N.Y. Real Prop. Acts Law § 732  
 generally, **14:87-14:93**  
 nonappearance of respondent, import of, **14:88**  
 place to answer, **14:90, 14:91**  
 relief sought by landlord, **14:92, 14:93**  
 timing of answer, **14:89**  
 Offer and refusal of rent, **14:370**  
 Opening statements, **14:458**  
 Oral answer, **14:221**  
 Oral demand, **14:16, 14:17, 14:326**

**NONPAYMENT PROCEEDINGS****—Cont'd**

Overcharge of rent, **14:232, 14:233, 14:440**  
 Partial actual eviction as defense, **14:330-14:332**  
 Partial constructive eviction as defense, **14:334-14:336**  
 Parties  
 generally, **14:106**  
 contract of sale, **14:357**  
 notice of petition, **14:75-14:85**  
 Partnerships, **14:153, 14:170**  
 Payment of rent demanded  
 generally, **14:363-14:370**  
 accord and satisfaction, **14:364, 14:365**  
 compromise and settlement, **14:367-14:369**  
 modification of lease agreement, **14:366**  
 offer and refusal of rent, **14:370**  
 proof of accord and satisfaction, **14:365**  
 security deposit, compromise and settlement, **14:369**  
 waiver of attorney's fees, compromise and settlement, **14:368**  
 Personal service  
 generally, **14:165-14:174**  
 completion of service, **14:174**  
 corporate respondents, **14:167-14:169**  
 employee of corporate respondent, **14:169**  
 form, affidavit, **14:519**  
 government respondents, **14:171**  
 incarcerated respondent, **14:172**  
 military personnel, **14:173**  
 partnership respondents, **14:170**  
 place for service, **14:166**  
 Secretary of State, corporate respondents, **14:168**  
 Personality, liability of landlord for remaining, **14:484**  
 Petition  
 generally, **14:102-14:155**  
 agent, petitioner not identified as, **14:276**

## INDEX

### NONPAYMENT PROCEEDINGS

#### —Cont'd

Petition—Cont'd  
agent or attorney, improper petitioners, **14:281**  
amendment of description, **14:300**  
amendment or correction of Multiple Dwelling Registration statement, **14:302, 14:303, 14:308**  
apartment number, **14:121, 14:296**  
assignee of rents as petitioner, **14:284**  
attachments, New York City Section 8 tenants, **14:140**  
attorney, verification by, **14:155**  
attorney's endorsement, **14:107**  
caption, **14:105, 14:274-14:277**  
certification statement, New York City Section 8 tenants, **14:139, 14:140**  
certified copy, multiple dwelling registration statement for premises within New York City, **14:135**  
commercial premises, rent regulatory status, **14:142**  
complete description of premises, **14:123, 14:297**  
condominium board of managers as petitioner, **14:285**  
condominium unit owner as respondent, **14:292**  
condominium units, rent regulatory status, **14:143**  
content, **14:108-14:148**  
cooperative units, rent regulatory status, **14:144**  
corporate petitioner, **14:111-14:113, 14:152**  
corporate respondent, statement of interest of, **14:117**  
de facto multiple dwellings, registration statement for premises within New York City, **14:131-14:133**  
default in rent, **14:125, 14:311**  
defense based on defect in petition generally, **14:273-14:318**

### NONPAYMENT PROCEEDINGS

#### —Cont'd

Petition—Cont'd  
defense based on defect in petition  
—Cont'd  
agent, petitioner not identified as, **14:276**  
agent or attorney, improper petitioners, **14:281**  
amendment of description, **14:300**  
amendment or correction of Multiple Dwelling Registration statement, **14:302, 14:303, 14:308**  
apartment number missing or misidentified, **14:296**  
assignee of rents as petitioner, **14:284**  
caption defects, **14:274-14:277**  
completeness of description, **14:297**  
condominium board of managers as petitioner, **14:285**  
condominium unit owner as respondent, **14:292**  
default, whether irregularity will serve to vacate, **14:283**  
default in rent, omission of specifics in, **14:311**  
demand for rent, omission of allegation of, **14:312**  
description, defective, **14:295-14:300**  
estate of tenant as respondent, **14:288**  
fact, statements of, **14:310-14:313**  
fictitious name, known respondent identified by, **14:277**  
former receiver as petitioner, **14:286**  
guarantor as respondent, **14:293**  
improper petitioners, **14:280-14:281**  
improper respondent, **14:291-14:293**  
interests of parties, defects as to, **14:278-14:294**

**NONPAYMENT PROCEEDINGS**

—**Cont'd**

Petition—Cont'd  
 defense based on defect in petition  
 —Cont'd  
 lack of Multiple Dwelling  
 Registration statement,  
**14:305**  
 lapse of Multiple Dwelling  
 Registration statement,  
**14:303**  
 lofts and de facto multiple  
 dwellings, Multiple Dwelling  
 Registration statement,  
**14:304**  
 map or plan attached to pleadings, omission of, **14:298**  
 Multiple Dwelling Registration statement defects, **14:301-14:309**  
 notice, issuance and service of, **14:313**  
 party's name or status, misstatement as to, **14:275**  
 power of attorney, person holding, **14:282**  
 proper petitioners, **14:279**  
 proper respondents, **14:287-14:290**  
 receipt, Multiple Dwelling  
 Registration statement, **14:306, 14:307**  
 rent-regulatory status, statement of, **14:314-14:317**  
 Section 8 housing, statement of rent-regulatory status, **14:317**  
 Section 8 tenant as respondent, **14:289**  
 square footage or percentage allocation of floor space, absence of, **14:299**  
 subsidized housing, statement of rent-regulatory status, **14:316, 14:317**  
 subtenant as respondent, **14:290**  
 waiver of irregularity in  
 Multiple Dwelling  
 Registration statement, **14:309**

**NONPAYMENT PROCEEDINGS**

—**Cont'd**

Petition—Cont'd  
 defense based on defect in petition  
 —Cont'd  
 warranty of habitability, **14:318**  
 demand for rent, **14:126, 14:312**  
 description of premises, **14:120-14:123, 14:295-14:300**  
 estate of tenant as respondent, **14:288**  
 execution, commencement, and expiration of lease, dates of, **14:115**  
 fact, statements of, **14:310-14:313**  
 facts upon which proceedings is predicated, **14:124-14:128**  
 fictitious name, known respondent identified by, **14:277**  
 foreign corporations, statement of interest of, **14:112, 14:113**  
 form, **14:103-14:107, 14:513**  
 former receiver as petitioner, **14:286**  
 governmental petitioner, verification by, **14:154**  
 guarantor as respondent, **14:293**  
 interests of parties, defects as to, **14:278-14:294**  
 lapse of Multiple Dwelling  
 Registration statement, **14:303**  
 lofts, **14:132, 14:133, 14:304**  
 map or plan, description of premises, **14:122, 14:298**  
 multiple dwelling registration statement, **14:129-14:135, 14:301-14:309**  
 municipal or governmental respondent, statement of interest of, **14:118**  
 necessary parties, **14:116**  
 New York City Section 8 tenants, statement of rent regulatory status, **14:138-14:140**  
 notice of petition, above  
 ownership, detailed factual recitation of, **14:110**  
 parties, **14:106**

## INDEX

### NONPAYMENT PROCEEDINGS

#### —Cont'd

Petition—Cont'd  
    partnership petitioner, verification by, **14:153**  
    party's name or status, misstatement as to, **14:275**  
    petitioner's interest, statement of, **14:109-14:113**  
    power of attorney, person holding, **14:282**  
    quality, size, legibility, and language, **14:104**  
    receipt, Multiple Dwelling Registration statement, **14:306, 14:307**  
    relief sought, **14:148**  
    rent regulatory status, **14:136-14:147, 14:314-14:317**  
    respondent's interest, statement of, **14:114-14:119**  
    Section 8 housing, statement of rent-regulatory status, **14:317**  
    Section 8 tenant as respondent, **14:289**  
    square footage or percentage allocation of floor space, absence of, **14:299**  
    subsidized housing, statement of rent regulatory status, **14:137-14:140, 14:316, 14:317**  
    subtenant as respondent, **14:290**  
    two family home, rent regulatory status, **14:147**  
    unknown tenants, undertenants, or occupants, statement of respondent's interest, **14:119**  
    verification, **14:149-14:155**  
    waiver of irregularity in Multiple Dwelling Registration statement, **14:309**  
    warranty of habitability, **14:318**  
Pleading-related defects, **14:265-14:328**  
Possession, party not in, **14:371-14:374**  
Postcard requirement, service, **14:212-14:214**  
Power of attorney, person holding, **14:78, 14:79, 14:282**

### NONPAYMENT PROCEEDINGS

#### —Cont'd

Prejudice to tenant, laches, **14:349**  
Presumption  
    economic-feasibility cases, discovery, **14:410**  
    regularity and receipt, service of process, **14:199**  
    signed agreement considered understood and accepted, **14:432**  
Presumption agreement understood and accepted once signed, **14:432**  
Presumption of regularity and receipt, service of process, **14:199, 14:205**  
Prevailing party, attorneys' fees, **14:500-14:503**  
Prima facie case, **14:459**  
Process server, testimony of, **14:261, 14:262**  
Produce, notice to, **14:413**  
Pro se litigants, stipulations, **14:441, 14:448, 14:452**  
Punitive damages, **14:396**  
Quality, **14:73, 14:104, 14:223**  
Receipt, Multiple Dwelling Registration statement, **14:306, 14:307**  
Record-keeping requirements, service of process, **14:159**  
Reduction of award, **14:397**  
Religious holidays, conspicuous-place service, **14:191**  
Repair obligations, stipulations, **14:424, 14:425**  
Rest hours, conspicuous-place service, **14:190**  
Sanctions, filing of non-military affidavit, **14:255**  
Secretary of State, personal service, **14:168**  
Section 8 housing  
    certification procedure, **14:65-14:67**  
    statement of rent-regulatory status, **14:317**  
    tenant as respondent, **14:83, 14:289**

**NONPAYMENT PROCEEDINGS**

—Cont'd

- Security deposits, **14:234, 14:369**
- Service of process
  - generally, **14:156-14:214**
  - answers, **14:225**
  - conspicuous-place service, above
    - defects in proof of service, **14:209**
    - demands, **14:48, 14:56, 14:327**
    - filings proof of service
      - generally, **14:206-14:211**
      - defects, **14:209**
      - delivery to judge, **14:211**
      - late filings, **14:210**
      - time to file, **14:207**
      - what to file, **14:208**
    - licensing requirement, New York City, **14:160, 14:161**
    - limitation of statutory requirements by lease, **14:157**
    - mailing requirement
      - generally, **14:201-14:205**
      - business respondent, **14:203**
      - conspicuous-place service, **14:198, 14:199**
      - full and complete address, use of, **14:204**
      - individual respondent, **14:202**
      - presumption of regularity and receipt, **14:199, 14:205**
      - substituted service, **14:183**
    - methods of service, **14:164-14:200**
    - New York City Civil Court postcard requirement, **14:212-14:214**
    - personal service, above
    - persons who may serve process, **14:158-14:161**
    - persons who must be served, **14:162**
    - postcard rule, **14:212-14:214**
    - presumption of regularity and receipt, **14:199, 14:205**
    - record-keeping requirements, **14:159**
    - sanction for noncompliance, New York City Civil Court postcard requirement, **14:214**
    - substituted service, below

**NONPAYMENT PROCEEDINGS**

—Cont'd

- Service of process—Cont'd
  - time for service, **14:163**
  - time to file proof of service, **14:207**
- Severance of unrelated counterclaims, **14:236, 14:237**
- Show cause order, **14:71**
- Size of pleadings, **14:73, 14:104, 14:223**
- Social service call-ins, **14:487**
- Specificity of demand, **14:50, 14:324**
- Speigel defense, N.Y. Soc. Serv. Law § 145-b, **14:388**
- Square footage or percentage allocation of floor space, absence of, **14:299**
- Stays, notice of eviction and warrant, **14:489**
- Stipulations
  - generally, **14:418-14:448**
  - attorneys' fees, **14:503**
  - avoidance of forfeiture, de minimis defaults, **14:436**
  - consent judgment not appealable, **14:429**
  - default, remedy for, **14:426-14:431**
  - de minimis defaults, **14:434-14:436**
  - enforcement, **14:433-14:441**
  - essential elements
    - generally, **14:421**
    - remedy for default, **14:426-14:431**
  - rental arrears payment schedule, **14:423**
  - rent due statement, **14:422**
  - repair obligations, **14:424, 425**
  - final judgment, issuance in event of default, **14:428, 14:429**
  - form, **14:420, 14:526, 14:527**
  - fraud, collusion, or mistake, vacatur of stipulations, **14:443**
  - judgments, **14:472**
  - late payment of rent arrears, de minimis defaults, **14:435**

## INDEX

### NONPAYMENT PROCEEDINGS

#### —Cont'd

Stipulations—Cont'd  
misapplication of stipulated payments, vacatur of stipulations, **14:444**  
overcharges of rent, illegal rents, or waivers of rent regulation, **14:440**  
presumption agreement understood and accepted once signed, **14:432**  
procedure, **14:419**  
pro se litigants, **14:441, 14:448**  
repair obligations, **14:424, 14:425**  
restoration of case to court calendar in event of default, **14:427**  
schedule for payment of rent arrears, **14:423**  
statement of rent due, **14:422**  
termination of proceeding, **14:431**  
third party, tender of rent by, **14:445**  
unjust or harsh terms, vacatur of stipulations, **14:447**  
vacatur of stipulations, **14:442-14:448**  
waiver of statutory rights, **14:438-14:440**  
warranty of habitability, waiver of, **14:439**  
Subject matter jurisdiction, lack of, **14:256, 14:257**  
Subsidized housing, statement of rent regulatory status, **14:137-14:140, 14:316, 14:317**  
Substituted service  
generally, **14:175-14:184**  
completion of service, **14:184**  
employees of landlord, service upon, **14:180**  
employees of respondent, service upon, **14:178, 14:179**  
form, affidavit, **14:520**  
mailing requirement, **14:183**  
minors, service upon, **14:177**  
neighbors and guests of respondent, **14:181**

### NONPAYMENT PROCEEDINGS

#### —Cont'd

Substituted service—Cont'd  
premises, service at, **14:182**  
subtenant, service upon, **14:179**  
suitable age and discretion, **14:176-14:181**  
Subtenants  
constructive eviction, **14:337**  
respondents, **14:84, 14:290**  
substituted service, **14:179**  
warranty of habitability, **14:398, 14:399**  
Summary judgment, **14:405**  
Summary proceedings, effect of Federal Debt Collection Practices Act, **14:22**  
Summary remedy, **14:3**  
Summations, **14:461**  
Sundays, conspicuous-place service, **14:191**  
Tenants in common, **14:358**  
Termination of proceeding, stipulations, **14:431**  
Third party, tender of rent by, **14:9, 14:446**  
Time and date  
answer, **14:217-14:219**  
filing of proof of service, **14:207**  
jury demand, **14:241**  
notice of claim against government and municipal tenants, **14:58-14:63**  
N.Y. Real Prop. Acts Law § 731, hearing, **14:96**  
N.Y. Real Prop. Acts Law § 732, answer, **14:89**  
service of process, **14:163**  
“time is of the essence,” **14:437**  
written rent demand, **14:19**  
Town tenants, **14:62**  
Traverse hearing, **14:260-14:263**  
Trial. Hearing and trial, above  
Two family home, rent regulatory status, **14:147**  
Unjust terms, vacatur of stipulations, **14:447**  
Unknown tenants, undertenants, or occupants, statement of respon-

**NONPAYMENT PROCEEDINGS**

—**Cont'd**

dent's interest, **14:119**

Unlawful rent, **14:375, 14:376**

Vacatur of default, **14:249-14:252**

Vacatur of stipulations, **14:442-14:448**

Vacatur of warrant, **14:493**

Venue, **14:12-14:14**

Verification

generally, **14:149-14:155, 14:515-14:518**

answer, **14:239**

attorney, **14:155, 14:518**

corporate, **14:516**

defective verification, **14:319-14:321**

form of verification, **14:150**

governments, **14:154**

individual, **14:515**

notarial errors, defective verification, **14:320**

partnership, **14:153, 14:517**

petition, **14:149-14:155**

who may verify, **14:151**

Village tenants, **14:63**

Waiver and estoppel

attorney's fees, compromise and settlement, **14:368**

judicial estoppel, **14:406, 14:466**

jury trial, **14:242-14:244**

service-related objections, **14:264**

statutory rights, stipulations, **14:438-14:440**

Warehouse sale of stored goods to satisfy lien, **14:486**

Warrants. Notice of eviction and warrant, above

Warranty of habitability

counterclaims, **14:235**

defense to nonpayment proceeding generally, **14:389**

claims of habitability breaches made to DHCR, **14:392**

commercial disputes, **14:400**

condominium owners, **14:401**

misconduct of tenant, **14:394**

**NONPAYMENT PROCEEDINGS**

—**Cont'd**

Warranty of habitability—**Cont'd**

defense to nonpayment proceeding

—**Cont'd**

mitigating factors, **14:393-14:397**

relief available, **14:396-14:397**

strike or labor dispute, **14:395**

sublessors or other tenants not in possession, **14:399**

subtenants, **14:398**

types of conditions found violative of statute, **14:391**

waiver void, **14:390**

petition defects, **14:318**

stipulations, **14:439**

Weekends and prior to normal work hours, conspicuous-place service, **14:188**

**Yellowstone Injunctions** (this index)

**NON-PRIMARY RESIDENCE**

**Termination of Lease** (this index)

**NONPROFIT INSTITUTIONS**

Parties to lease agreements, **4:35, 4:42**

Property taxes, **4:216**

**Rent Control and Rent Stabilization** (this index)

**Termination of Lease** (this index)

**NONTENANT OCCUPANTS**

**Illegal Evictions** (this index)

**NONWAIVABLE,**

**NONMODIFIABLE RIGHTS**

**Lease Agreements** (this index)

**NOTARIAL ERRORS**

Holdover proceedings, defective verification, **15:458**

Nonpayment proceedings, defective verification, **14:320**

**NOTICE**

**Administrative Proceedings** (this index)

Article 7-A proceedings, **16:71, 16:85, 16:86, 16:462**

**Constructive Notice** (this index)

## INDEX

### **NOTICE—Cont'd**

Contempt, **16:324**

Disabled tenants' right to reasonable accommodation, **4:359**

**Government Subsidized housing, New York State Programs** (this index)

**Holdover Proceedings** (this index)

**HP Proceedings** (this index)

**Lease Agreements** (this index)

**Loan Programs, Federal** (this index)

**Lofts**

access, **18:67, 18:68**

holdover proceeding, **18:183**

**Manufactured home parks**, **4:223**

**Multiple dwelling law**, **12:59**

**Nonpayment Proceedings** (this index)

Premises liability, foreseeability, **12:41-12:43**

**Roommates**, **3:42**

**Squatters and intruders**, **3:85**

**Subleases and assignments**, **4:120**

**Termination of Lease** (this index)

Third parties. **Notice of Tenancy to Third Parties** (this index)

Warranty of habitability, **9:29, 9:97**

### **NOTICE OF TENANCY TO THIRD PARTIES**

Generally, **2:62-2:87**

Actual notice, **2:63, 2:68**

Cancellation of lis pendens, **2:86**

Constructive notice

generally, **2:64-2:73**

effect of recording, **2:69, 2:70**

form, memoranda of lease, **2:173**

memoranda of lease, **2:71, 2:173**

modification of leases, recording of, **2:72**

money damages, tenant relegated to action for owner's breach of lease, **2:70**

possession, **2:64**

recording, **2:65-2:73**

rent-regulated rents, registration of, **2:73**

### **NOTICE OF TENANCY TO THIRD**

#### **PARTIES—Cont'd**

Constructive notice—Cont'd  
three years, lease for more than, **2:66-2:68**

Duration of lis pendens, **2:85, 2:86**

Foreclosure, **2:77-2:79, 2:87**

Lis pendens

generally, **2:81-2:86**

cancellation, **2:86**

content of notice, **2:84**

duration, **2:85, 2:86**

filings procedures, **2:83**

summary proceedings, **2:82**

Memoranda of lease, **2:71, 2:173**

Modification of leases, recording of, **2:72**

Mortgages

generally, **2:74-2:79**

conflict between mortgages, **2:79**

foreclosure, lease subject to, **2:77-2:79**

lease subject to all prior recorded liens, **2:75**

lis pendens, above

recorded lease superior to subsequent mortgage, **2:76**

sale of property, effect of, **2:80**

subordination clause, lease

extinguished in foreclosure, **2:78**

Possession as constructive notice, **2:64**

Recording as constructive notice, **2:65-2:73**

Rent-regulated units, **2:73, 2:87**

Subordination clause, lease  
extinguished in foreclosure, **2:78**

Summary proceedings, lis pendens, **2:82**

### **NUISANCE**

Generally, **13:87 et seq.**

Cats, harboring of, **13:99**

Chronic nonpayment of rent, **13:90**

Conditional limitation for rent-related default, exercising, **13:89, 13:90**

Dangerous animals, **13:96 et seq.**

**NUISANCE—Cont'd**

- Defined, **13:87**
- Dogs, dangerous, **13:97, 13:98**
- Drug use and sales, **13:92**
- Emergency Rent Protection Act tenants, procedure for termination, **13:102**
- Environmental liability, **12:160-12:165**
- Fire hazards, **13:91**
- Health hazards, **13:91**
- Holdover proceedings ground, **15:32**
- New York City rent-stabilized tenants, procedure for termination, **13:103**
- Nonpayment of rent, chronic, **13:90**
- Pets, **13:95 et seq.**
- Procedure for termination, **13:101 et seq.**
- Property damage, **13:100**
- Rent, chronic nonpayment of, **13:90**
- Rent-regulated tenants, procedure for termination, **13:101, 13:104**
- Wild animals, **13:96**

**NURSING HOMES**

- Age discrimination, **5:166, 5:167**
- Human Rights Law (NY), discrimination against blind persons, **5:92**

**N.Y. REAL PROP. ACT § 755 STAY**

- Nonpayment Proceedings** (this index)

**N.Y. REAL PROP. ACTS LAW § 731**

- Nonpayment Proceedings** (this index)

**N.Y. REAL PROP. ACTS LAW § 732**

- Nonpayment Proceedings** (this index)

**OBJECTIONABLE CONDUCT**

- Nuisance** (this index)

**OBLIGATIONS OF TENANCY**

- Rights and Obligations of Tenancy** (this index)

**OBVIOUS CONDITIONS**

- Premises liability, **12:12, 12:13**

**OCCUPANCY LIMITS**

- Disabled persons, discrimination against, **5:182**
- Fair Housing Act, **5:48**

**OCCUPANCY RELATIONSHIPS  
SIMILAR TO TENANCIES**

- Generally, **3:1-3:101**
- Adult-home residents, **3:99-3:101**
- Employer and Employee** (this index)
- Eviction of occupant who has wrongfully ousted party entitled to lawful possession, **3:4**
- Guests and Lodgers** (this index)
- Illegal eviction law generally, **3:11-3:19**
- licensee-subtenant, protection of, **3:16**
- New York City Unlawful Evictions Law, **3:19**
- peaceable possession of occupant, **3:14-3:18**
- prior law, compared, **3:12**
- proposed subtenant, protection of, **3:18**
- school operator whose license expired, protection of, **3:17**
- unlawful removal, defined, **3:13**

**Intruders. Squatters and Intruders** (this index)

- Licensee-subtenant, protection of, **3:16**

**Licenses** (this index)

- Lodgers. Guests and Lodgers** (this index)

- Peaceable possession of occupant, **3:14-3:18**

- Peaceable self-help, **3:8**

- Proposed subtenant, protection of, **3:18**

**Roommates** (this index)

- School operator whose license expired, protection of, **3:17**

**Self-help**

- generally, **3:5-3:10**

- justification, **3:7**

- peaceable self-help, **3:8**

## INDEX

**OCCUPANCY RELATIONSHIPS**  
**SIMILAR TO TENANCIES**  
—Cont'd  
Self-help—Cont'd  
two weeks, occupant in apartment for only, 3:6  
unlawful activity by occupant, 3:9, 3:10  
**Squatters and Intruders** (this index)  
Summary proceedings, 3:2-3:4

**ODORS**  
Termination of lease, 13:94  
Warranty of habitability, 9:62

**OFFSETS**  
Condition of premises, 10:74  
Rent control and rent stabilization, 11:373, 11:395  
**Security Deposits** (this index)

**OIL BROKERS**  
Navigation Law § 181, 12:153

**OMNIBUS HOUSING ACT OF 1983**  
Rent control and rent stabilization, 11:29

**OPENING STATEMENTS**  
Nonpayment proceedings, 14:458

**OPERATIONAL BULLETINS**  
Rent control and rent stabilization, 11:501

**OPTIONS**  
Generally, 4:295 et seq.  
Acceptance of rent after option period, 4:314  
Amount of rent, certainty and definiteness of renewal provisions, 4:298 et seq.  
Arbitration, deferral of amount of rent to, 4:301  
Automatic renewal, 4:296  
Certainty of terms, 4:297 et seq., 4:317  
Covenants as conditions precedent, 4:306  
Equitable considerations, 4:313, 4:320

**OPTIONS—Cont'd**  
Fair market value, amount of rent, 4:300  
Inconsequential discrepancies in exercise of option, 4:311  
Manner of exercise of option, 4:303  
Persons who can exercise option, 4:304  
Purchase options  
generally, 4:316-4:323  
certainty of terms, 4:317  
compliance with lease requirements, 4:321, 4:322  
equity may intervene to avoid forfeiture, 4:320  
exercise of option, 4:319-4:322  
legal effect, 4:318  
specific performance, 4:323  
strict adherence, 4:319  
waiver of breach preserves option, 4:322  
Renewal provisions, 4:295 et seq.  
Right of first refusal to purchase generally, 4:324-4:327  
landlord cannot defeat tenant's right to purchase, 4:327  
purchase option, distinguished, 4:325  
refusal of landlord to perform, 4:326  
Right of first refusal to renew, 4:315  
Specific performance, 4:323  
Specified formula or guideline, amount of rent, 4:299, 4:300  
Strict compliance, 4:307  
Sweetheart leases  
federal law, 4:308  
state law, 4:308  
Term or duration of lease or tenancy, 4:59, 4:60, 4:63, 4:64  
Timeliness of notice of exercise, 4:312-4:314  
Time to exercise option, 4:303  
Waiver of breach preserves option, 4:322

**OVERCHARGES OF RENT**  
Article 7-A proceedings, 16:129, 16:130

**OVERCHARGES OF RENT**

—Cont'd

- Holdover proceedings, **15:371, 15:372, 15:456, 15:564**
- Nonpayment proceedings, **14:232, 14:233, 14:440**
- Petition for administrative review, **17:84**
- Rent Control and Rent Stabilization** (this index)
- Section 8 Housing program, **19:51**
- Single room occupancy units (SROs), rent-stabilization, **18:209**

**OVERCROWDING**

- Roommates, **3:44**

**OWNER OCCUPANCY**

- Rent Control and Rent Stabilization** (this index)
- Termination of Lease** (this index)

**PACKAGE-ROOM SERVICE**

- Warranty of habitability, **9:63**

**PAINT AND PAINTING**

- Lead Poisoning** (this index)
- Rent control and rent stabilization, **11:230**
- Warranty of habitability, **9:52, 9:64**

**PARKING AND PARKING CHARGES**

- Generally, **4:92-4:95**
- Delineation of parking privileges, **4:93**
- Disabled persons, discrimination against, **5:179**
- Payment terms, **4:94, 4:95**
- Rent-regulation, **4:95**

**PAROL EVIDENCE**

- Enforcement of lease agreements, **4:338**

**PARTIES**

- Environmental liability, actions for nuisance or trespass, **12:163**
- Illegal evictions, New York City, **16:445 et seq.**
- Lease agreements. **Parties to Lease Agreements** (this index)

**PARTIES—Cont'd**

- Nonpayment Proceedings** (this index)
- Standing** (this index)
- Termination of Lease** (this index)
- Third Parties** (this index)
- Yellowstone injunctions, **16:173-16:176**

**PARTIES TO LEASE AGREEMENTS**

- Generally, **4:31-4:42**
- Agents, **4:39**
- Corporations, **4:34-4:36, 4:42**
- Entities, **4:33-4:43**
- Licenses, real estate brokers, **4:40**
- Municipalities, **4:38**
- Natural persons, **4:32**
- Not-for-profit corporations, **4:35, 4:42**
- Partnerships, **4:37**
- Real estate brokers, **4:40-4:43**
- Religious corporations, **4:36**
- Statute of frauds, real estate brokers, **4:43**
- Tenant associations, real estate brokers, **4:42**

**PARTNERSHIPS**

- Holdover proceedings, **15:291, 15:312, 15:655**
- Nonpayment proceedings, **14:153, 14:170**
- Parties to lease agreements, **4:37**
- Rent control and rent stabilization, recovery of unit for owner occupancy, **11:461**

**PATENT DEFECTS**

- Condition of premises, **10:71, 10:72**

**PAYMENT**

- Nonpayment Proceedings** (this index)

**PENALTIES**

- Asbestos, **12:99**
- Comprehensive Environmental Response, Compensation, and Liability Act of 1980, **12:134**

## INDEX

### **PENALTIES—Cont'd**

Discrimination, **5:101, 5:216, 5:237, 5:238**  
Environmental Conservation Law, **12:157**  
Frivolous conduct, **1:52**  
HP proceedings, **16:291, 16:294 et seq.**  
Illegal evictions, New York City, **16:454-16:456**  
Lead poisoning, failure to abate, **12:86**  
Lofts, **18:74, 18:159**  
Military service, interference by landlord, **13:163**  
Rent and other charges, failure to provide receipt for payment, **6:17**  
**Rent Control and Rent Stabilization** (this index)  
Senior citizens entering adult care facilities, interference by landlord, **13:156**  
Water Pollution Control Act, **12:146**  
Window guards, **12:115**

### **PERCENTAGE LEASES**

Rent and other charges, **4:73, 4:74, 6:13**  
Use and occupancy of premises, **10:101**

### **PERIODIC TENANCIES**

Generally, **2:112-2:114**

### **PERMISSION**

**Consent or Approval** (this index)

### **PERPETUAL LEASES**

Generally, **2:38, 2:101**

### **PERPETUITIES, RULE AGAINST**

Term or duration of lease or tenancy, **4:61-4:64**

### **PERSONAL SERVICE**

**Nonpayment Proceedings** (this index)

Yellowstone injunctions, **16:204**

### **PEST INFESTATION**

Warranty of habitability, **9:49, 9:50**

### **PETITION FOR**

#### **ADMINISTRATIVE REVIEW**

Generally, **17:51-17:106**  
Administrative finality, **17:94**  
Administrative review limited to record, **17:72**  
Advance notice of agency election to reopen proceeding, **17:105**  
Aggrieved persons, **17:53**  
Automatic stay of retroactive portion of order, **17:83-17:85**  
Change in law while petition pending, **17:91**  
**Comity, 17:94**  
Consolidation of petitions, **17:55**  
Content. Form and content, below  
Division of Housing and Community Renewal form must be used for District Rent Orders, **17:67, 17:68**  
Emergency Tenant Protection Regulations, time to file, **17:59-17:65**  
Filing. Service and filing, below  
Final determination by commissioner generally, **17:88-17:95**  
change in law while petition pending, **17:91**  
comity, judicial economy, and administrative finality, **17:94**  
denials must be reported to party, **17:95**  
jurisdiction beyond time limits for review of orders, **17:93, 17:94**  
remand is not final determination, **17:89**  
scope of relief, **17:90**  
time for final action, **17:92-17:94**  
Form and content generally, **17:66-17:72**  
administrative review limited to record, **17:72**  
Division of Housing and Community Renewal form must be used for District Rent Orders, **17:67, 17:68**  
letter does not satisfy form requirements, **17:71**

**PETITION FOR  
ADMINISTRATIVE REVIEW  
—Cont'd**

Form and content—Cont'd  
    rent control regulations, not  
    prescribed form, **17:69, 17:70**

Fraud. Modification or revocation of  
    determination for illegality,  
    irregularity, or fraud, below

Illegality. Modification or revocation  
    of determination for illegality,  
    irregularity, or fraud, below

Irregularity. Modification or revoca-  
    tion of determination for illegal-  
    ity, irregularity, or fraud, below

Joint petitions, **17:54**

Judicial economy, **17:94**

Judicial review, **17:106**

Letter does not satisfy form require-  
    ments, **17:71**

Modification or revocation of deter-  
    mination for illegality, irregular-  
    ity, or fraud  
    generally, **17:96-17:103**  
    correction of illegality, **17:97**  
    rent rollback, **17:99**  
    reopening based on irregularity,  
        **17:98-17:103**  
    service of administrative com-  
        plaint, **17:102**  
    service of initial legal rent notice,  
        **17:101**  
    untimely petitions, **17:100**

Modification to correct clerical  
    errors, **17:104**

New York City Rent Stabilization  
    Code, time to file, **17:60**

Overcharge of rent, **17:84**

Presumption of receipt of District  
    Rent Office order, **17:62**

Remand is not final determination,  
    **17:89**

Rent control regulations, not  
    prescribed form, **17:69, 17:70**

Rent rollback, **17:99**

Revocation. Modification or revoca-  
    tion of determination for illegal-  
    ity, irregularity, or fraud, above

**PETITION FOR  
ADMINISTRATIVE REVIEW  
—Cont'd**

Service and filing  
    generally, **17:52 et seq., 17:73-**  
        **17:77**  
    administrative complaint, **17:102**  
    initial legal rent notice, **17:101**  
    rent control, order issued under  
        concerning, **17:76, 17:77**  
    rent stabilized units, petition  
        concerning, **17:75**

Stays pending determination  
    generally, **17:82-17:87**  
    additional discretionary stay of  
        prospective portion of order,  
            **17:86**  
    automatic stay of retroactive por-  
        tion of order, **17:83-17:85**  
    eviction, certificate of, **17:85**  
    overcharge of rent, **17:84**  
    summary proceedings, **17:87**

Summary proceedings, **17:87**

Time for final action, **17:92-17:94**

Time to file answer  
    generally, **17:78-17:81**  
    action by commissioner, **17:81**  
    rent control regulations, **17:79**  
    rent stabilization regulations,  
        **17:80**

Time to file petition  
    generally, **17:56-17:65**  
    Emergency Tenant Protection  
        Regulations, **17:59-17:65**  
    issuance date of District Rent  
        Office order, time runs from,  
            **17:61-17:63**

New York City Rent Stabilization  
    Code, **17:60**

presumption of receipt of District  
    Rent Office order, **17:62**

reconsideration barred by failure to  
    timely file, **17:64, 17:65**

rent control regulations, **17:57,**  
        **17:58**

Untimely petitions, **17:100**

**PETITIONS**

Administrative review. **Petition for  
    Administrative Review** (this  
    index)

## INDEX

**PETITIONS—Cont'd**  
**Article 7-A Proceedings** (this index)  
**HP Proceedings** (this index)  
**Nonpayment Proceedings** (this index)

**PETROLEUM PRODUCTS**  
Strict liability, **12:105, 12:106**

**PETS**  
Generally, **4:191-4:196**  
Cooperative and condominium occupants, **2:137**  
Covenant not to maintain pets, **15:18-15:20**  
Disabled persons, discrimination against, **5:180**  
Elderly tenants in federal housing, **4:193, 15:20**  
**Emotional Support Animals** (this index)  
Holdover proceeding grounds, **15:18-15:20, 15:514**  
New York City, waiver of restrictions, **4:195, 4:196**  
New York City Housing Authority, waiver of restrictions, **4:196**  
Nuisance, **13:95 et seq.**  
Restrictions, **4:192-4:196**  
Statutory waivers, pets, **15:514**  
Termination of lease, **13:51, 13:52**  
Waiver of restrictions, **4:194-4:196**  
Warranty of habitability, **9:61**

**PICKETING**  
Rent strikes, **16:38**

**PLEADINGS**  
**Answers** (this index)  
**Article 7-A Proceedings** (this index)  
**Article 78 Proceedings** (this index)  
**Petition for Administrative Review** (this index)  
**Petitions** (this index)  
Warranty of habitability, **9:96, 9:97**

**PLUMBING**  
Warranty of habitability, **9:65**

**POLICE OFFICERS**  
**Fireman's Rule** (this index)

**POLICY STATEMENTS**  
Rent control and rent stabilization, **11:502**

**"POOR PERSON" PROCEEDINGS**  
Generally, **16:345 et seq.**  
Appeals, **16:352, 16:353**  
Assignment of counsel generally, **16:362 et seq.**  
contingency arrangements with private counsel, **16:366**  
mandatory, assignment not, **16:365**  
rebuttal of appointment, **16:364**  
Attorneys  
assignment of counsel, above, **16:356**  
certification, motion not necessary, **16:356**  
Content of application, **16:354 et seq.**  
Contingency arrangements with private counsel, **16:366**  
Depositions, **16:347, 16:348**  
Distribution of recovery, **16:367**  
Factors considered in determining whether to grant "poor person" status, **16:359 et seq.**  
Forms  
affidavit in support of application to commence action as "poor person," **16:480**  
ex parte order granting leave to proceed as "poor person," **16:479**  
Jury fees, **16:349, 16:350**  
Mathematical calculations, **16:360, 16:361**  
Motion not necessary, **16:355, 16:356**  
Order granting leave to prosecute as "poor person," **16:358**  
Purpose, **16:346**  
Service of motions and papers, **16:357**  
Stenographic transcripts, appeals, **16:353**  
Time to make jury demand, **16:350**  
Translation costs, depositions, **16:348**  
Witness fees, **16:351**

**POSSESSION OF PROPERTY**

Generally, **8:1-8:66, 10:25-10:37**  
Abandonment, constructive eviction, **8:36**  
Assignee of tenant, delivery to, **10:27**  
Breach of duty to deliver, establishment of, **10:28**  
Commercial premises, condition of, **8:4**  
Compelling of delivery of possession, **8:18-8:22**  
Consideration, recovery of, **8:16**  
Constructive eviction, **8:35-8:37**  
Contract damages, **8:25**  
Damages, **8:17, 8:23-8:25, 8:39**  
Declaratory relief, **8:20, 8:22**  
Delayed possession, provisions for, **8:2**  
Delivery of possession, generally, **8:1-8:9, 10:25-10:37**  
Deprivations of possession, **8:26-8:41**  
Ejectment, **8:19**  
Equitable relief, **10:36**  
Exclusive possessory rights during tenancy term, **8:6-8:9**  
Failure of tenant to take possession, **8:10-8:13**  
Holdover tenant, summary proceeding to acquire possession from, **10:33**  
Illegal lockouts, **8:38-8:41**  
Implied duty to deliver possession, **8:1, 8:2**  
Injunctive relief, **8:20, 8:22**  
Lockouts, illegal, **8:38-8:41**  
"Loss of the bargain," **10:31**  
Lost profits, **8:24, 10:32**  
Multiple tenants, occupants in residential premises, **8:9**  
Nature of duty, **10:26, 10:27**  
Occupants in residential premises, **8:7-8:9**  
Partial constructive eviction, **8:37**  
Remedies for failure to tender possession and deprivations of possession, **8:14-8:25, 10:29-10:36**  
Rent-controlled tenants, failure of tenant to take possession, **8:12**

**POSSESSION OF PROPERTY**

—Cont'd  
Rent-stabilized tenants, failure of tenant to take possession, **8:13**  
Rescission, **8:15, 10:30**  
Residential premises, condition of, **8:5**  
Scope of duty, **10:26, 10:27**  
Self-help, illegal lockouts, **8:40, 8:41**  
Specific performance, **8:20, 8:21**  
Squatters, removal of, **10:34, 10:35**  
Statutory tenants, failure of tenant to take possession, **8:11-8:13**  
Summary proceedings, **10:33, 10:34**  
**Surrender of Possession** (this index)  
Treble damages, illegal lockouts, **8:39**  
Waiver of breach, **10:37**  
**Warranty of Habitability** (this index)

**POWER OF ATTORNEY**

Nonpayment proceedings, **14:78, 14:79, 14:282**

**PREEMPTION**

**Loan Programs, Federal** (this index)  
Section 8 Housing program, **19:30-19:32, 19:306**

**PREFERENCES**

Government subsidized housing, New York State programs, selection of tenants, **19:198**  
**HOME Program**, **19:111**  
Loan programs, New York City, **19:290**  
Low-income housing trust-fund program, selection of tenants, **19:246**  
Low-income turnkey-housing trust fund program, selection of tenants, **19:267**  
Rural rental assistance program, **19:285**  
Section 8 Housing program, selection of tenants, **19:36-19:40**

**PREJUDICE**

Administrative proceedings, divestiture of jurisdiction, **17:16**

## INDEX

### **PREJUDICE—Cont'd**

Nonpayment proceedings, laches, **14:349**

### **PRELIMINARY INJUNCTIONS**

Condition of premises, **10:77**  
Discrimination, **5:228**

### **PREMISES LIABILITY**

Generally, **12:1-12:209**

Access to building, security against crime, **12:28**

AIDS, failure to disclose that owner or former occupant infected with, **12:208**

**Asbestos** (this index)

Assumption of duty of care by landlord, **12:38**

Basis of duty of care, **12:9**

Carbon-monoxide detectors, **12:187**

Causation, **12:26-12:28, 12:50-12:53**

Clear and unambiguous liability limitations, waiver of liability, **12:123, 12:124**

Construction of exculpatory agreements and clauses, **12:125, 12:126**

Constructive notice, foreseeability, **12:43**

Contractual liability

generally, **12:116-12:126**

clear and unambiguous liability limitations, waiver of liability, **12:123, 12:124**

construction of exculpatory agreements and clauses, **12:125, 12:126**

exculpatory agreements and clauses, **12:120, 12:121, 12:125, 12:126**

maintenance and repair, agreement of landlord, **12:117**

privity, **12:119**

reentry may does not impose liability, **12:118**

waiver of liability, **12:122-12:126**

Control determines liability, **12:10, 12:15**

Conveyance of title. Termination of liability, below

### **PREMISES LIABILITY—Cont'd**

Crime, security against. Security against crime, below

Criminal conduct, eviction for, **12:35**

Dangerous condition, liability of state for, **12:192**

Death, failure to disclose that property was location of, **12:209**

Delegation of duty, foreseeability, **12:47-12:49**

Design defects, inspections by landlord, **12:18, 12:19**

Disclosure of property condition, **12:182 et seq.**

Duration of liability, **12:176 et seq.**

Duty of care, **12:8-12:10, 12:38, 12:39**

Electronic Lease Offer, **App. 12-7**

**Environmental Liability** (this index)

Exculpatory agreements and clauses, **12:120, 12:121, 12:125, 12:126**

Felony, failure to disclose that property was location of, **12:209**

**Fireman's Rule** (this index)

Flood history and risk lease rider/notice to residential tenants, **App. 12-10**

Foreseeability

generally, **12:40-12:49**

actual notice, **12:42**

constructive notice, **12:43**

defined, **12:44-12:46**

delegation of duty, **12:47-12:49**

invitees or licensees, **12:6, 12:45**

notice, **12:41-12:43**

obvious conditions, **12:13**

security against crime, **12:23-12:25**

status distinctions, **12:6, 12:45, 12:46**

trespassers, **12:6, 12:46**

General public, duty to, **12:7**

Government immunity, **12:189-12:192**

Homicide, failure to disclose that property was location of, **12:209**

Immunities

generally, **12:188-12:209**

**PREMISES LIABILITY—Cont'd**

Immunities—Cont'd  
 AIDS, failure to disclose that owner or former occupant infected with, **12:208**  
 dangerous condition, liability of state for, **12:192**  
**Fireman's Rule** (this index)  
 government immunity, **12:189-12:192**  
 homicide, suicide, death, or other felony, failure to disclose that property was location of, **12:209**  
 police officers. **Fireman's Rule** (this index)  
**Recreational Use Immunity** (this index)  
 special relationship, waiver of immunity, **12:191**  
 state, waiver of immunity of, **12:190**  
 waiver of immunity, **12:190, 12:191**  
 Inspections by landlord  
 generally, **12:16-12:19**  
 design or structural defects, **12:18, 12:19**  
 duty of landlord, generally, **12:16**  
 right to reenter and repair, **12:19**  
 statutory or contractual duty, **12:17-12:19**  
 Invitees, foreseeability, **12:6, 12:45**  
**Lead Poisoning** (this index)  
 Lease/Commencement Of  
 Occupancy Notice For Indoor Allergen Hazards, **App. 12-9**  
 Licensees, foreseeability, **12:6, 12:45**  
 Locks, failure to provide, **12:27**  
 Maintenance, generally, **12:117**  
 Misconduct of tenants  
 generally, **12:31-12:35**  
 criminal conduct, eviction for, **12:35**  
 eviction, grounds for, **12:32, 12:33**  
 isolated instances of misconduct, **12:33**  
**Multiple Dwelling Law** (this index)  
 Natural, open conditions, **12:14**

**PREMISES LIABILITY—Cont'd**

Notice, foreseeability, **12:41-12:43**  
 Obvious conditions, **12:12, 12:13**  
 Occupancy determines liability, **12:10**  
 Open, natural conditions, **12:14**  
 Ordinary care, **12:4-12:7**  
 Ordinary negligence, **12:2-12:53**  
 Ownership determines liability, **12:10**  
 Persons With Disabilities, Disclosing Tenants' Rights, **App. 12-12**  
 Police officers. **Fireman's Rule** (this index)  
 Privity, contractual liability, **12:119**  
 Procedure For Tenants Regarding Suspected Gas Leaks, **App. 12-11**  
 Proximate cause, **12:51-12:53**  
 Public entities, security against crime, **12:30**  
**Recreational Use Immunity** (this index)  
 Reentry may does not impose liability, **12:118**  
 Renewal Lease Form, **App. 12-8**  
 Repair, generally, **12:117**  
 Security against crime  
 generally, **12:21-12:30**  
 access to building, **12:28**  
 basis of liability, **12:22**  
 causation, **12:26-12:28**  
 foreseeability, **12:23-12:25**  
 known criminal activity, foreseeability, **12:24**  
 locks, failure to provide, **12:27**  
 public entities, special relationship, **12:30**  
 similarity of prior incidents, foreseeability, **12:25**  
 special relationship, **12:29, 12:30**  
 Sidewalks, **12:36, 12:37, 12:67**  
**Snow Removal** (this index)  
 Special relationships, **12:29, 12:30, 12:191**  
 Special use, duty to repair sidewalk, **12:37**  
 Status distinctions, negligence, **12:5, 12:6**

## INDEX

### PREMISES LIABILITY—Cont'd

Statute or regulation, liability based on generally, **12:54-12:101**  
**Asbestos** (this index)  
compliance requirements, **12:55**  
**Lead Poisoning** (this index)  
**Multiple Dwelling Law** (this index)  
**Snow Removal** (this index)  
warranty of habitability, **12:69-12:71**  
**Strict Liability** (this index)  
Structural defects, inspections by landlord, **12:18, 12:19**  
Suicide, failure to disclose that property was location of, **12:209**  
Termination of liability generally, **12:176 et seq.**  
conveyance of title, **12:176 et seq.**  
disclosure of property condition, **12:182 et seq.**  
duration of liability, **12:176 et seq.**  
environmental liability, **12:179**  
properties with four dwellings or less, disclosure law, **12:175**  
reasonable time, defined, **12:177**  
transfer of possession, **12:180, 12:181**  
unreasonable risks, failure to disclose, **12:178**  
Third parties, acts of, **12:20**  
Transfer of possession, **12:180, 12:181**  
Trespassers, foreseeability, **12:6, 12:46**  
Waiver contractual liability, **12:122-12:126**  
immunity, **12:190, 12:191**  
Warranty of habitability, **12:69-12:71**  
**Window Guards** (this index)

### PRESENTATION OF ACCOUNTS

**Article 7-A Proceedings** (this index)

### PRESUMPTIONS AND BURDEN OF PROOF

Administrative proceedings, **17:35, 17:42**

### PRESUMPTIONS AND BURDEN

#### OF PROOF—Cont'd

Bankruptcy, burden of proof relief from automatic stay, **20:321-20:324**  
security deposit setoff, creditors' burden of proving entitlement, **20:289, 20:290**  
shopping center, landlord's burden of proving complex is, **20:345**  
**Bankruptcy** (this index)  
Holdover proceedings agreement understood and accepted once signed, **15:557**  
retaliatory eviction, **15:495-15:501**  
service of process by mail, presumption of regularity and receipt, **15:339**  
Lease agreements, **2:35, 2:36, 4:271**  
Lofts, fair market value of improvements, **18:162**  
**Nonpayment Proceedings** (this index)  
Petition for administrative review, receipt of District Rent Office order, **17:62**  
Single room occupancy units (SROs), harassment, **18:229**  
Subleases and assignments, reasonableness of withholding of consent, **4:134**  
Term or duration of lease or tenancy, **2:35, 2:36**

### PREVAILING PARTY

**Attorneys' Fees and Costs** (this index)

### PRINCIPAL AND AGENT

**Agents** (this index)

### PRIVACY

Government subsidized housing, New York State programs, **19:215**

### PRIVATE CLUBS

Fair Housing Act, **5:47**

### PRIVITY

Premises liability, contractual liability, **12:119**

**PRIVITY—Cont'd**

Subleases and assignments, **4:147-4:149**

**PROFITEERING**

Holdover proceeding grounds, **15:59**  
Immoral or illegal use of occupancy, **13:76**  
Lofts, **18:182**  
Rent and other charges, **11:441**

**PROHIBITION**

Article 78 proceedings, **17:111, 17:112**

**PROPERTY TAXES**

Generally, **4:209-4:219**  
Additional rent, treatment as, **4:210, 4:211**  
Certiorari proceedings, **4:218**  
Improvements by landlords, **4:213**  
Improvements by tenants, effect of, **4:212**  
Manufactured home park tenants, **4:219**  
Municipal property, private lease of, **4:215**  
New York City, tax exemptions, **4:217**  
Nonprofit organizations, **4:216**  
Tax-exempt entities, **4:214-4:217**  
Windfall to landlords, **4:211**

**PROPORTIONATE CHARGES**

Rent and other charges, operational and common area maintenance expenses, **4:102**

**PRO SE LITIGANTS**

Attorneys' fees and costs, **4:254**  
Holdover proceedings, stipulations, **15:565, 15:575**  
Nonpayment proceedings, stipulations, **14:441, 14:448, 14:452**

**PROSTITUTION**

Immoral or illegal use of occupancy, **13:77**

**PROTESTS**

Rent strikes, **16:38**

**PROXIMATE CAUSE**

Premises liability, **12:51-12:53**

**PUBLIC ACCOMMODATIONS**

Americans With Disabilities Act, **5:61 et seq.**

**PUBLICATIONS BY DIVISION OF  
HOUSING AND COMMUNITY  
RENEWAL**

**Rent Control and Rent Stabiliza-  
tion** (this index)

**PUBLIC HOUSING**

Civil Rights Law (NY), **5:98**

**PUBLIC POLICY**

Enforcement of lease agreements, **4:346**  
Guardians ad litem, **16:459**

**PUNITIVE DAMAGES**

Condition of premises, **10:75**  
Discrimination, **5:212, 5:213, 5:226, 5:227**  
**Illegal Evictions** (this index)  
Quiet enjoyment, **10:51**  
Warranty of habitability, **8:33, 9:112, 14:396**

**PURCHASE OPTIONS**

Options (this index)

**QUASI JUDICIAL PROCEEDINGS**

Article 78 proceedings, substantial evidence, **17:141**

**QUIET ENJOYMENT**

Generally, **10:38-10:55**  
Actual eviction, defined, **10:41**  
Administrative regulations, violation of, **10:45**  
Breach, establishment of, **10:40-10:46**  
Compliance with lease by tenant, **10:55**  
Condition of premises, **4:163**  
Consequential damages, **10:50**  
Constructive eviction generally, **10:42-10:45**  
administrative regulations, violation of, **10:45**

## INDEX

**QUIET ENJOYMENT—Cont'd**  
Constructive eviction—Cont'd  
    covenants, violation of restrictive, **10:44**  
    health and safety codes, violation of, **10:45**  
Covenants, violation of restrictive, **10:44**  
Exclusivity of possession, **2:29, 2:30**  
Health and safety codes, violation of, **10:45**  
Injunctive relief, **10:53**  
Private nuisance, action for, **10:52**  
Punitive damages, **10:51**  
Remedies  
    generally, **10:47-10:54**  
    consequential damages, **10:50**  
    injunctive relief, **10:53**  
    landlord, remedies against, **10:48-10:53**  
    private nuisance, action for, **10:52**  
    punitive damages, **10:51**  
    rental obligation, suspension of, **10:49**  
    third parties, remedies against, **10:54**  
Scope of duty, **10:39**  
Third parties, remedies against, **10:54**  
Wrongful act by landlord, **10:46**

**RACE DISCRIMINATION**  
Generally, **5:127-5:137**  
Homeless shelters, concentration in minority communities, **5:133**  
Mitchell-Lama housing, enforcement of integration, **5:130, 5:131**  
Prima facie case, **5:129**  
Prima facie claim, **5:128**  
Steering, **5:132, 5:204**

**RADIATOR COVERS**  
Warranty of habitability, **9:66**

**REAL ESTATE BROKERS**  
Breach of lease, liability for, **4:41**  
Parties to lease agreements, **4:40-4:43**

**RECEIPTS**  
Nonpayment proceedings, Multiple Dwelling Registration statement, **14:306, 14:307**

**RECEIPTS—Cont'd**  
Rent and other charges, **4:71, 6:16, 6:17**  
Single room occupancy units (SROs), rent-stabilization, **18:210**

**RECEIVERS**  
Article 7-A proceedings, **16:58, 16:59**  
Landlord, defined, **2:6**  
Rent control and rent stabilization, **11:36**  
Rent strikes, **16:17**  
Security deposits, liability upon conveyance of property, **7:64**  
Warranty of habitability, **9:30**

**RECORDATION OF LEASE AGREEMENTS**  
Generally, **4:328-4:332**  
Constructive notice of leasehold interest, **4:331, 4:332**  
Effect of recordation, **4:331, 4:332**  
Memoranda of leases, **4:329**  
Modifications, **4:330**  
Tenant in possession as constructive notice, **4:332**

**RECORDS**  
Administrative proceedings, insufficiency of record for failure to conduct hearing, **17:18**  
Counseling as to alternatives, record-keeping in connection with rent regulated tenancies, **1:138**  
Human Rights Law (NY), **5:79**  
Human Rights Law (NYC), **5:115**  
Lease agreements. **Recordation of Lease Agreements** (this index)  
Notice of tenancy to third parties, constructive notice, **2:65-2:73**

**RE COURSE**  
**Guaranty Clauses** (this index)

**RECREATIONAL USE IMMUNITY**  
Generally, **12:193-12:202**  
Actual notice of dangerous condition, **12:199**  
Constructive notice of dangerous condition, **12:199**

**RECREATIONAL USE IMMUNITY**

—Cont'd

- Gross negligence, **12:202**
- Inherent risks, **12:200**
- Inspection, no duty, **12:195**
- Notice of dangerous condition, **12:199**
- Property suited for immunity, **12:197, 12:198**
- Standard of care, **12:194**
- Status of injured party, **12:201**
- Warning, no duty, **12:196**

**REDEVELOPMENT COMPANIES**

- Government subsidized housing, New York State programs, **19:188-19:191**

**REFUNDS**

- Article 7-A proceedings, overcharges of rent, **16:130**
- Security Deposits** (this index)

**REGISTRATION**

- Lofts** (this index)
- Manufactured home parks, service and park rules, **2:159**
- Rent Control and Rent Stabilization** (this index)

**REHABILITATION ACT**

- Americans With Disabilities Act, compared, **5:59**
- Discrimination, **5:58, 5:59**

**REINSTATEMENT**

- Counseling as to alternatives, **1:134, 1:135**

**RELATION BACK**

- Administrative proceedings, res judicata, **17:48**

**RELIGION AND RELIGIOUS ORGANIZATIONS**

- Discrimination. **Religious Discrimination** (this index)
- Lease agreements, **4:157**
- Nonpayment proceedings, conspicuous-place service, **14:191**
- Parties to lease agreements, **4:36**

**RELIGION AND RELIGIOUS ORGANIZATIONS—Cont'd**

- Term or duration of lease or tenancy, **4:68**

**RELIGIOUS DISCRIMINATION**

- Generally, **5:134-5:137**
- Age discrimination, religious exemption from fair housing rules, **5:168**
- Civil Rights Act of 1866, **5:53**
- Electric locks, orthodox Jewish tenants, **5:136**
- Fair Housing Act, **5:46**
- Harassment by neighbor, **5:135**
- Human Rights Law (NY), **5:89**
- Human Rights Law (NYC), **5:123**
- Public housing authority, religious preference as basis for tenant location, **5:137**

**REMEDIES**

- Condition of premises, **10:73-10:79**
- Damages** (this index)
- Discrimination** (this index)
- Illegal Evictions** (this index)
- Injunctive Relief** (this index)
- Low-income housing trust-fund program, **19:252**
- Low-income turnkey-housing trust fund program, **19:274**
- Maintenance and repairs, **10:85, 10:140, 10:141**
- Military service, **13:162**
- Quiet Enjoyment** (this index)
- Rent and other charges, **10:115-10:124**
- Section 8 Housing program, obligations during tenancy, **19:66, 19:67**
- Security deposits, civil remedy to recover, **7:54**
- Warranty of Habitability** (this index)

**RENEWAL OF LEASES**

- Counseling as to alternatives, **1:135**
- Demolition grounds, **15:66**
- Enforcement of lease agreements, **4:348, 4:349**

## INDEX

### RENEWAL OF LEASES—Cont'd

- Guaranty clauses, **4:234**
- Options, **4:295 et seq.**
- Section 8 Housing program, **19:46, 19:47**
- Security deposits, **7:59**

### RENEWAL STATUTES

- Lofts, **18:31, 18:32, 18:80-18:86, 18:104, 18:105**

### RENT ACT OF 2011

- Rent control and rent stabilization, **11:32**

### RENT ACT OF 2015

- Rent control and rent stabilization, **11:32**

### RENTAL AGREEMENTS

- Forms
- good cause eviction law notice, **4:360**

#### Lease Agreements (this index)

### RENT AND OTHER CHARGES

- Generally, **4:22, 4:69-4:75, 6:1-6:24, 10:108-10:124**

- Acceleration of payment generally, **6:8-6:11**
- default in payment, **6:9-6:11**
- termination of lease on rent acceleration, **6:11**

- Acceptance of partial rent payment, **6:4**

- Additional occupants, **4:96-4:98**

- Advance payment, **6:6**

- Agreement to pay rent, **6:1-6:17**

- Americans With Disabilities Act
  - compliance burdens and charges generally, **4:106-4:111**
  - enforcement, **4:110**
  - mandatory renovation, **4:107, 4:108**
  - no new barriers to handicapped access, **4:109**

- Ancillary non-residential space, no rent control coverage for, **11:61**

- Apartment & Loft Order, **App. 11-19, App. 11-20**

- Application of payments, **6:3, 6:4**

### RENT AND OTHER CHARGES

#### —Cont'd

- Approval of lease by landlord, security deposit pending, **4:81**

- Audit rights of tenant, operational and common area maintenance expenses, **4:103**

- Bankruptcy of tenant, **10:124**

- Base year escalation approach, operational and common area maintenance expenses, **4:101**

- Children, additional occupants, **4:98**

- Commercial leases
  - generally, **4:99-4:105, 4:357**
  - audit rights of tenant, operational and common area maintenance expenses, **4:103**

- base year escalation approach, operational and common area maintenance expenses, **4:101**

- cost of living increases, **4:104**

- escalation clauses, **4:101, 4:357**

- operational and common area maintenance expenses, **4:100-4:103**

- proportionate charges, operational and common area maintenance expenses, **4:102**

- taxes, **4:105**

- Common area maintenance expenses, **4:100-4:103**

- Cost of living increases, **4:104**

- Demolition Stipend Chart, **App. 11-21**

- DHCR Good Cause Eviction Law Notice, **App. 11-28**

- DHCR Operational Bulletin 2017-1, **App. 11-25**

- DHCR Operational Bulletin 2018-1, **App. 11-26**

- DHCR Operation Bulletin 2014-1, **App. 11-22**

- DHCR Operation Bulletin 2016-1, **App. 11-23**

- Due date, **4:72, 10:114**

- Duration of obligation to pay, **10:112**

- Electronic funds transfers, **6:14**

- Escalation clauses, **4:101, 4:357**

**RENT AND OTHER CHARGES**

—Cont'd

- Exclusive right to conduct business, percentage rents, **4:74**
- Forms of consideration, **4:75**
- Gouging illegal, **2:44**
- Government Subsidized housing, New York State Programs** (this index)
- Holdover proceedings. Termination of tenancy and commencement of holdover proceeding, below
- Holidays, time for payment, **6:7**
- How, when, where, and to whom paid, **4:70, 4:71**
- Increases in Rent** (this index)
- Individual Apartment Improvements (Replaces Operational Bulletin 2016-1), **App. 11-24**
- Late Charges** (this index)
- Loan programs, New York City, **19:291**
- Low-income housing credits, **19:180**
- Low-income housing trust-fund program, **19:257-19:259**
- Low-income turnkey-housing trust fund program, **19:270, 19:271**
- Medium of rent, **6:12-6:14**
- Military service, **13:161**
- Mode of rent, **6:12-6:14**
- Modification as to time, place, or method of payment, **6:15**
- Nature of duty, **10:110**
- Nonpayment Proceedings** (this index)
- Operational Bulletin 2021-1, **App. 11-27**
- Operational maintenance expenses, **4:100-4:103**
- Overcharges of Rent** (this index)
- Parking and Parking Charges** (this index)
- Payment of rent, **6:1, 6:2**
- Penalty for failure to provide receipt for payment, **6:17**
- Percentage rents, **4:73, 4:74, 6:13**
- Place of payment, **6:2**
- Prepaid rent held in trust, **7:35**
- Profiteering, **11:441**

**RENT AND OTHER CHARGES**

—Cont'd

- Proportionate charges, operational and common area maintenance expenses, **4:102**
- Receipts, **4:71, 6:16, 6:17**
- Relief from duty, **10:111-10:113**
- Remedies for breach, **10:115-10:124**
- Rent Control and Rent Stabilization** (this index)
- Rent Guidelines Board Apartment Orders (1969 to 2026), **App. 11-3**
- Rent Guidelines Board Apartment Orders (1971 to 2026), **App. 18-2**
- Rent Strikes** (this index)
- Repudiation of lease, acceptance by landlord, **10:113**
- Rural rental assistance program, **19:286**
- Saturday, time for payment, **6:7**
- Scope of duty, **10:110**
- Section 8 Housing Program** (this index)
- Security Deposits** (this index)
- Strikes. **Rent Strikes** (this index)
- Sunday, time for payment, **6:7**
- Taxes, **4:105**
- Termination of lease on rent acceleration, **6:11**
- Termination of tenancy and commencement of holdover proceeding generally, **10:117-10:122**
- conditional limitation for nonpayment of rent, **10:120-10:122**
- New York City, post-judgment cure, **10:119**
- Time for payment, **6:5-6:7**
- Use and occupancy, distinguished, **10:109**
- Utility Charges** (this index)
- Waiver as to time, place, or method of payment, **6:15**
- Yellowstone proceedings. Termination of tenancy and commencement of holdover proceeding, above

## INDEX

**RENT CONTROL AND RENT STABILIZATION**  
Generally, 2:119-2:130, 6:18-6:24, 11:1 et seq.  
Ability to pay rent, 11:486, 11:487  
Access, refusal to provide, 11:398, 11:446  
Accommodations subject to rent control, 2:120  
Additional rent adjustments, 6:18-6:20, 6:22  
Adjustments to regulated rents generally, 11:183-11:315  
annual adjustment to MCRs in New York City, 11:184  
electrical conversion, rent reduction based on, 11:253  
fair-market rent-appeal of initial rent-stabilized rent, below  
fuel cost adjustments for New York City rent-controlled units, below  
hardship to landlord, below  
increase of rent, 421-a, 11:314, 11:315  
increase of rent, individual apartment improvements, rent control, below  
increase of rent, individual apartment improvements, rent stabilization, below  
increase of rent, major capital improvements, below  
increase of rent, vacancy or renewal or rent-stabilized lease, below  
increase of rent for building-wide service improvements, 11:299  
labor cost rent adjustment for New York City rent-controlled units, 11:223  
luxury deregulation, surcharges for submetered electricity or other utility service, 11:255  
submetered electricity or other utility service, surcharges for, 11:252-11:255  
surcharges for submetered electricity or other utility service, 11:252-11:255

**RENT CONTROL AND RENT STABILIZATION—Cont'd**  
Advance non-primary residence agreement void, 11:103  
Advisory Opinions, 11:500  
Age discrimination, 5:165, 5:166  
Air conditioners, 11:248-11:251  
Ancillary services, 11:384  
Appeals, 11:130, 11:221  
Asbestos removal, 11:273  
Attorney General has standing to sue for practices which violate rent-regulation laws, 11:22, 11:23  
Attorneys' fees and costs, 4:261, 11:200, 11:368-11:370  
Aunts, succession rights of family members, 11:421  
Biannual maximum rent adjustments in New York City generally, 11:149-11:160  
calculation of MBR and MCR, 11:154  
challenging MBR order, 11:159  
essential services, maximum rents include, 11:151  
filing fees for MBRs, 11:160  
history, 11:150-11:160  
MBR, defined, 11:152  
MBR Order of Eligibility, 11:158  
MCR, defined, 11:153  
operation and maintenance and essential services certification, 11:157  
procedure, 11:155-11:160  
violation certification, 11:156  
Calculation of MBR and MCR, 11:154  
Certificate of eviction, 11:443  
Certification of income, deregulation, 11:120-11:123  
Charitable institutions, units owned or operated by, 11:96-11:98  
Class A multiple dwelling, defined, 11:75-11:77  
Class B multiple dwelling, defined, 11:78  
Comparative hardship formula, 11:301

**RENT CONTROL AND RENT STABILIZATION—Cont'd**

Concurrent jurisdiction  
generally, **11:19-11:23**  
Attorney General has standing to sue for practices which violate rent-regulation laws, **11:22, 11:23**  
primary jurisdiction doctrine, Attorney General has standing to sue for practices which violate rent-regulation laws, **11:23**  
rent-overcharge issues, **11:20, 11:21**  
succession rights of family members, **11:411**  
Conditional rentals, **11:320**  
Consent of tenant, **11:226, 11:227, 11:232-11:234**  
Constitutionality, **11:5**  
Contractual or statutory nature, **2:123, 2:130**  
Cooperatives and condominiums generally, **11:106**  
deregulation, **11:139, 11:140**  
reserve funds, payment for improvements with, **11:263**  
succession rights of family members, **11:412-11:414**  
Corporations, recovery of unit for owner occupancy, **11:461**  
Coverage, rent control  
generally, **11:51-11:70**  
deregulation, below  
exemptions, **11:63-11:70**  
extent of rent regulation statewide, **11:51-11:55**  
furnished rooms, **11:64**  
government operated and subsidized housing, **11:65**  
hotel accommodations, **11:66**  
housing accommodations, defined, **11:59**  
ignorance exception, **11:57**  
motor courts and tourist homes, **11:67**  
municipalities, **11:62, 11:68**  
not-for-profit institutions, **11:69**

**RENT CONTROL AND RENT STABILIZATION—Cont'd**

Coverage, rent control—Cont'd  
reregulation of multiple dwellings purchased from New York City, **11:142**  
three or more units, buildings with, **11:58-11:60**  
Coverage, rent stabilization  
generally, **11:51-11:55, 11:71-11:105**  
advance non-primary residence agreement void, **11:103**  
charitable or educational institutions, units owned or operated by, **11:96-11:98**  
Class A multiple dwelling, defined, **11:75-11:77**  
Class B multiple dwelling, defined, **11:78**  
combining apartments, less than six units, **11:90**  
cooperative and condominium units, **11:106**  
deregulation, below  
employment, occupancy as incident of, **11:104**  
exemptions, **11:86 et seq.**  
extent of rent regulation statewide, **11:51-11:55**  
furnished rooms, **11:101**  
garden apartment complexes, **11:77**  
government operated and subsidized housing, **11:88**  
horizontal multiple dwellings, **11:91**  
hotels, **11:79, 11:99**  
housing accommodations, defined, **11:72-11:84**  
increase in number of units, substantial rehabilitation, **11:94**  
motor courts, tourist homes, defined, **11:100**  
new construction, tax benefit programs, **11:81**  
new construction or substantial rehabilitation after December 31, 1973, **11:92-11:95**

## INDEX

**RENT CONTROL AND RENT STABILIZATION—Cont'd**

Coverage, rent stabilization—Cont'd  
    New York City, units outside,  
        **11:73**  
    New York City, units within,  
        **11:74-11:79**  
    non-primary residence, **11:102**,  
        **11:103**  
    nonresidential use, **11:105**  
    redevelopment, tax benefit  
        programs, **11:82**  
    rehabilitation and improvement  
        program, tax exemption and  
        abatement programs, **11:83**  
    rent-controlled units, **11:87**  
    reregulation of multiple dwellings  
        purchased from New York  
        City, **11:142**  
    rooming house, **11:76**  
    six units, less than, **11:89-11:91**  
    state assisted units, tax benefit  
        programs, **11:84**  
    tax benefit programs, **11:80-11:84**  
    unaffiliated tenants, units owned or  
        operated by charitable or  
        educational institutions,  
        **11:97, 11:98**  
    "Deemed denied," judicial review of  
        petitions for administrative  
        review, **11:14**  
    Deemed lease when renewal com-  
        plaint denied, **11:338**  
    Defective equipment, replacement of,  
        **11:385**  
    Delayed renewal, **11:331**  
    Delivery of fully executed renewal  
        lease copy to tenant, **11:333**  
    De minimis conditions, **11:399**,  
        **11:405**  
    Demolition of unit  
        generally, **11:481 et seq.**  
        application procedure, **11:490**  
        costs, increase of rent, **11:239**  
        good faith, documentation of,  
            **11:489**  
        holdover proceeding grounds,  
            **15:47, 15:62**  
        relocation/stipends, **11:491, 11:492**

**RENT CONTROL AND RENT STABILIZATION—Cont'd**

Demolition of unit—Cont'd  
    rent control, **11:482, 11:483**  
    rent stabilization, **11:488-11:492**  
    three or fewer units, waiver of  
        prerequisites in New York  
        City, **11:483**  
Deregulation  
    generally, **11:107-11:140**  
    anomalies in household income,  
        **11:118**  
    appeals, **11:130**  
    certification of income, **11:120-**  
        **11:123**  
    cooperative and condominium  
        units, **11:139, 11:140**  
    effective date of deregulation  
        determination, **11:131**  
    exclusions from household  
        income, **11:117, 11:118**  
    exemptions from luxury deregula-  
        tion, **11:135-11:139**  
    failure of tenant to respond to  
        deregulation notice, **11:132**  
    first refusal, right of, **11:133**  
    grounds for petition for luxury  
        deregulation, **11:125**  
    Loft Law units exempt from luxury  
        destabilization, **11:138**  
    luxury deregulation of occupied  
        housing accommodations,  
        **11:113-11:139**  
    luxury deregulation of vacant  
        housing accommodations,  
        **11:109-11:111**  
    notice to tenant and opportunity to  
        answer, **11:126**  
    petition for luxury deregulation,  
        **11:124**  
    procedure, **11:119-11:132**  
    required information, certification  
        of income, **11:122**  
    retroactive rent adjustment on rent  
        threshold, **11:134**  
    reversion of deregulated property  
        to rent stabilization, **11:141**  
    service, certification of income,  
        **11:121, 11:123**

**RENT CONTROL AND RENT STABILIZATION—Cont'd**

Deregulation—Cont'd  
 tax benefit programs, units under, **11:136, 11:137**  
 vacancy decontrol, **11:108**  
 verification of income, **11:127**  
 Disabled residents, recovery of unit for owner occupancy, **11:469-11:475**  
 Dishwashers, **11:246**  
 Division of Housing and Community Renewal. See New York State Homes and Community Renewal, below  
 Domestic partners, **11:328-11:329**  
 Dryers, **11:246**  
 Educational institutions, units owned or operated by, **11:96-11:98**  
 Elderly residents, recovery of unit for owner occupancy, **11:469-11:475**  
 Emergency Housing Rent Control Law, **11:25, 11:33**  
 Emergency Tenant Protection Act generally, **11:28, 11:36**  
 elderly, disabled, and long-term residents, recovery of unit for owner occupancy, **11:473**  
 Fact Sheets, **11:506**  
 not-for-profit institutions, recovery of unit by, **11:480**  
 regulations, **11:41**  
 Employer and employee, **3:79-3:81**  
 Employment, occupancy as incident of, **11:104**  
 Equity return, cap on rate of, **11:305**  
 Essential or required services generally, **11:381-11:405**  
 access, refusal by tenant to provide, **11:398**  
 ancillary services, **11:384**  
 calculation of rent reduction, **11:391-11:395**  
 complaint should request rent reduction, **11:389, 11:390**  
 defective equipment, replacement of, **11:385**  
 definitions, **11:382-11:384**

**RENT CONTROL AND RENT STABILIZATION—Cont'd**

Essential or required services—Cont'd  
 de minimis conditions, **11:399, 11:405**  
 effective date of rent reduction, **11:394**  
 heat and hot water complaints, **11:403-11:405**  
 increase in rent, none until rent restored, **11:396, 11:397**  
 inspection invalidated by delay, **11:401**  
 noise complaints between neighbors, **11:400**  
 offset for court ordered rent abatement, **11:395**  
 procedure, **11:386, 11:387**  
 rent reduction, **11:388-11:402**  
 restoration of reduced rents, **11:402**  
 services, maximum rents include, **11:151**  
 third person certification of condition creates rebuttable presumption, **11:387**  
 Estate of tenant, nonprimary residence cases, **11:454**  
 Evasion of rent regulations, **11:317**  
 Eviction generally, **11:442-11:486**  
 access, refusal to provide, **11:446**  
 certificate of eviction, **11:443**  
 demolition of unit, above  
 estate of tenant, nonprimary residence cases, **11:454**  
 hospital tenants, nonprimary residence cases, **11:453**  
 needs of landlord, **11:456 et seq.**  
 nonprimary residence, **11:450-11:454**  
 not-for-profit institutions, recovery of unit by, below  
 owner occupancy, recovery of unit for, below  
 preliminary notices, **11:444**  
 proof in nonprimary residence cases, **11:452**

## INDEX

**RENT CONTROL AND RENT STABILIZATION—Cont'd**

Eviction—Cont'd  
renewal of lease, failure or refusal of tenant, **11:447-11:449**  
subdivision, alteration, or remodeling of underutilized rent controlled unit, **11:498, 11:499**  
totality of circumstances, nonprimary residence cases, **11:452**  
withdrawal of unit from market, below  
wrongful acts of tenant, **11:445-11:455**

Expedited MCI, **11:286**

Expedited proceedings, Division of Housing and Community Renewal, **11:11**

Fact Sheets, **11:505-11:507**

Failure to renew rent-stabilized lease generally, **11:321 et seq.**  
complaint to Division of Housing and Community Renewal, **11:336-11:340**  
deemed lease when renewal complaint denied, **11:338**  
delayed renewal, **11:331**  
delivery of fully executed renewal lease copy to tenant, **11:333**  
domestic partners, **11:328-11:329**  
eviction delayed while renewal complaint pending, **11:339**  
form of offer, **11:332**  
grounds for refusal to renew, **11:340**  
illusory tenancy, **11:341**  
lawful rent increase notice clause, **11:326**  
luxury deregulation, effect of application for, **11:342**  
luxury deregulation rider, **11:327**  
one or two year term at tenant's option, **11:323**  
renewal requirements, **11:322-11:335**  
rent guidelines unknown, **11:334, 11:335**

**RENT CONTROL AND RENT STABILIZATION—Cont'd**

Failure to renew rent-stabilized lease—Cont'd  
rent stabilization rider, failure to provide, **11:337**  
same terms and conditions upon renewal, **11:324-11:328**  
spouse, addition of, **11:328**  
tenant's failure to renew lease, **11:343**  
window period for renewal lease offer and acceptance, **11:330, 11:331**

Fair-market rent-appeal of initial rent-stabilized rent generally, **11:185-11:201**  
attorneys' fees, **11:200**  
conversion of rent overcharge complaint to fair-market rent-appeal, **11:201**  
formula for determining fair-market tent, **11:190-11:193**  
freeze of rent for failure to service RR-1(i), **11:199**  
hearings, **11:194**  
MBR/MCR adjusted by special guidelines, **11:191**  
penalties for rent overcharges, **11:197-11:200**  
proof of service of RR-1(i) form, **11:187, 11:188**  
qualifying comparable rents, **11:192**  
refund of excess rent, **11:195, 11:196**  
rent-overcharge remedies do not apply to FMRA, **11:197**  
service of RR-1(i) form, **11:187, 11:188, 11:199**  
some units not subject to fair-market rent-appeal, **11:186**  
treble damages, **11:198**  
unique features, **11:193**  
untimely appeal, dismissal, **11:190**

Fees  
MBRs, filing fees, **11:160**  
registration of rents and services, **11:148, 11:178**

**RENT CONTROL AND RENT STABILIZATION—Cont'd**

First refusal, right of, **11:133**  
 Fraud, rent overcharge resulting in, **11:352**  
 Freedom of Information Law, registered rents and services not subject to, **11:176**  
 Freezing of rent, **11:199, 11:371**  
 Fuel cost adjustments for New York City rent-controlled units generally, **11:215-11:222**  
 appeal by tenant, **11:222**  
 base rent, not added to, **11:216**  
 computation of adjustment, **11:220**  
 cumulative nature of adjustments, **11:219**  
 maintaining services as prerequisite, **11:217**  
 procedure, **11:218**  
 rent-reductions, effect of, **11:222**  
 Furnished rooms, **11:64, 11:101**  
 Furniture surcharge, subleases and assignments, **11:437**  
 Garden apartment complexes, **11:77**  
 Good faith  
     demolition of unit, **11:489, 11:490**  
     recovery of unit for owner occupancy, **11:466**  
 Gouging illegal, **2:44**  
 Governing statutes and regulations generally, **11:24-11:50**  
     contractual or statutory nature of rent-regulated tenancies, **11:50**  
     Emergency Housing Rent Control Law, **11:25, 11:33**  
     Emergency Tenant Protection Act of 1974, **11:28, 11:36**  
     Emergency Tenant Protection Regulations, **11:41**  
     enabling legislation, **11:24-11:32**  
     Local Emergency Housing Rent Control Act, **11:26**  
     New York City Administrative Code § "J-51," **11:48**  
     New York City Loft Law, **11:49**  
     New York City Rent and Eviction Regulations, **11:40**

**RENT CONTROL AND RENT STABILIZATION—Cont'd**

Governing statutes and regulations  
     —Cont'd  
     New York City Rent and Rehabilitation Law, **11:34**  
     New York City Rent Stabilization Law, **11:37**  
     N.Y. Real Prop. Tax Law § 421-a, § 421-g and § 485-x, **11:47**  
     Omnibus Housing Act of 1983, **11:29**  
     Rent Act of 2011, **11:32**  
     Rent Act of 2015, **11:32**  
     Rent Regulation Reform Act of 1993, **11:30**  
     Rent Regulation Reform Act of 1997, **11:31**  
     Rent Stabilization Code, **11:42, 11:43**  
     State Rent and Eviction Regulations, **11:39**  
     Urstadt Law, **11:46**  
     Vacancy Decontrol law, **11:27**  
 Government grants, payment for improvements with, **11:264**  
 Government operated and subsidized housing, **11:65, 11:88**  
 Government subsidized housing, New York State programs, **19:235**  
 Hallway windows, **11:280**  
 Harassment, **11:406-11:408**  
 Hardship to landlord  
     generally, **11:300-11:313**  
     alternative hardship formula, **11:302**  
     comparative hardship formula, **11:301**  
     equity return, cap on rate of, **11:305**  
     five percent equity in property, **11:311**  
     hazardous violations, correction of, **11:312**  
     limitations on hardship rent increases, **11:303-11:306**  
     maintenance of services, **11:308**  
     option to cancel lease, **11:313**

## INDEX

**RENT CONTROL AND RENT STABILIZATION—Cont'd**

Hardship to landlord—Cont'd ownership by same or related entity for 36 months, **11:310** six percent annual cap, **11:304** tax certiorari proceedings or objections, resolution of, **11:309** thirty six month limitation, **11:306** Hazardous violations, **11:265, 11:312** Hearings, fair-market rent-appeal of initial rent-stabilized rent, **11:194** Heat and hot water complaints, **11:403-11:405** Horizontal multiple dwellings, **11:91** Hospital tenants, nonprimary residence cases, **11:453** Hotels, **3:65, 11:66, 11:79, 11:99** Housing accommodations, defined, **11:59, 11:72-11:84** Housing Stability and Tenant Protection Act of 2019, **11:32** HP proceedings, **16:234** Ignorance exception, **11:57** Illusory tenancy, **11:341** Immediate and compelling necessity recovery of unit for owner occupancy, **11:465** Immoral or illegal use of occupancy, **13:85** Increase of rent building-wide service improvements, **11:299** 421-a, **11:314, 11:315** individual apartment improvements, rent control. Increase of rent, individual apartment improvements, rent control, below individual apartment improvements, rent stabilization. Increase of rent, individual apartment improvements, rent stabilization, below major capital improvements. Increase of rent, major capital improvements, below

**RENT CONTROL AND RENT STABILIZATION—Cont'd**

Increase of rent—Cont'd vacancy or renewal of rent-stabilized lease. Increase of rent, vacancy or renewal or rent-stabilized lease, below Increase of rent, individual apartment improvements, rent control generally, **11:224-11:230** air conditioners, **11:248-11:251** consent of tenant and prior Division of Housing and Community Renewal notice, **11:226, 11:227** painting, **11:230** rate of increase, **11:229** washing machines, dryers, and dishwashers, **11:246** window guards, **11:247** Increase of rent, individual apartment improvements, rent stabilization generally, **11:231-11:245** air conditioners, **11:248-11:251** annual rent registration, **11:245** confirmation of costs and payments, **11:241-11:244** consent of tenant, **11:232-11:234** demolition costs, **11:239** insurance proceeds, payment for improvements with, **11:240** maintenance and repairs, **11:238** order date vs. delivery date of appliance, **11:234** prior approval by Division of Housing and Community Renewal, **11:235** qualifying improvements, **11:237-11:240** rate of increase, **11:236** signature on lease does not constitute consent of tenant, **11:233** superintendent, rent increase for, **11:243** washing machines, dryers, and dishwashers, **11:246** window guards, **11:247** Increase of rent, major capital improvements generally, **11:256-11:298**

**RENT CONTROL AND RENT STABILIZATION—Cont'd**

increase of rent, major capital improvements—Cont'd  
 additional rent increase for related work, **11:283**  
 age of prior windows, **11:281**  
 asbestos removal, **11:273**  
 calculation of increase, **11:290-11:297**  
 confirmation of costs/payments, **11:287, 11:288**  
 cooperative/condominium reserve funds, payment for improvements with, **11:263**  
 defect in windows, **11:282**  
 effective date of increase, **11:296**  
 eligibility requirements, **11:258-11:269**  
 expedited MCI, **11:286**  
 failure to register or late registration, effect of, **11:269**  
 fifteen percent cap on annual rent increase, **11:292**  
 government grants, payment for improvements with, **11:264**  
 hallway or lot line windows, **11:280**  
 hazardous violations, correction of, **11:265**  
 mailbox relocation, New York City, **11:274**  
 major capital improvement, defined, **11:257**  
 notice to new tenants in vacancy lease, **11:260**  
 permanence of increase, **11:294**  
 prior opinion, **11:285**  
 procedure, **11:284-11:289**  
 renewal-lease clause permitting increase, **11:261**  
 retroactive MCI, payment by vacating tenant, **11:293**  
 roofing, **11:275, 11:276**  
 room count, **11:295**  
 Senior Citizens Rent Increase Exemption Program, effect of, **11:298**

**RENT CONTROL AND RENT STABILIZATION—Cont'd**

increase of rent, major capital improvements—Cont'd  
 services, effect of reduction in, **11:266-11:268**  
 source of funds used to pay for improvements, **11:262-11:264**  
 storm windows, replacement windows after prior increase for, **11:279**  
 supplemental documentation, confirmation of costs/payments, **11:288**  
 third party certification of MCI, **11:289**  
 time to file application, **11:259**  
 toilets, low flush, **11:277**  
 two percent cap on annual rent increase, New York City rent-stabilized tenants, **11:291**  
 useful life schedule for major capital improvements, **11:271, 11:272**  
 waterproofing, roofing, **11:276**  
 windows, **11:278-11:282**  
 work which constitutes major capital improvements, **11:270-11:282**  
 increase of rent, vacancy or renewal or rent-stabilized lease generally, **11:202-11:214**  
 additional rent increases set by local RGBs, **11:204**  
 early vacatur, effect on next tenant's rent, **11:210**  
 fuel cost adjustment, **11:208**  
 low rent adjustment, **11:207**  
 notice to rent-stabilized tenants of prior legal regulated rents, **11:214**  
 preferential rent, **11:211-11:213**  
 renewal increase, **11:206, 11:207**  
 summary of recent New York City rent-guideline increases, **11:209**  
 vacancy "bonus," **11:203**  
 vacancy increase, **11:205**

## INDEX

**RENT CONTROL AND RENT STABILIZATION—Cont'd**  
Inspection invalidated by delay, **11:401**  
Insurance proceeds, payment for improvements with, **11:240**  
Interest on overcharge refund, overcharge of rent, **11:367**  
Interest on refund, overcharge of rent, **11:366**  
J-51 program, **19:298**  
Joinder of tenant's estate, succession rights of family members, **11:427**  
Jurisdiction and venue generally, **11:6-11:23**  
concurrent jurisdiction, above courts, **11:15-11:18**  
Division of Housing and Community Renewal, above primary residence, **11:16, 11:17**  
rent-controlled units outside New York City, primary residence, **11:17**  
rent overcharge of rent-controlled units, **11:18**  
Labor cost rent adjustment for New York City rent-controlled units, **11:223**  
Landlord, defined, **2:16-2:18**  
Late charges, **4:78**  
Lease agreements, **4:27, 4:188, 4:222**  
Lease must reflect legal rent, **6:23**  
Legal regulated rent, **6:21**  
Local Emergency Housing Rent Control Act, **11:26**  
**Lofts** (this index)  
Long-term residents, recovery of unit for owner occupancy, **11:469-11:475**  
Lot line windows, **11:280**  
Low-income housing trust-fund program, **19:260**  
Luxury deregulation amended returns may not defeat it, **11:128**  
appeal, **11:130**  
application, effect of, **11:342**

**RENT CONTROL AND RENT STABILIZATION—Cont'd**  
Luxury deregulation—Cont'd  
DHCR notice to tenant of petition and opportunity to answer, **11:126**  
effective date of determination, **11:131**  
exclusions from household income, **11:117-11:118**  
exemptions, **11:135 et seq.**  
failure to respond to notice, effect of, **11:132**  
income certification, **11:120-11:123**  
income verification, **11:127**  
loft law units exemption, **11:138**  
multiple apartment occupied by tenant, **11:116-11:139**  
nonpurchasing co-op tenant, **11:139**  
notice to new tenants of deregulation, **11:112**  
occupied housing accommodations, **11:113-11:139**  
petition, **11:124-11:126**  
procedure, **11:119-11:133**  
registration of rents and services, **11:182**  
retroactive rent-adjustment on rent threshold, **11:134**  
rider, **11:327**  
right of first refusal, **11:133**  
surcharges for submetered electricity or other utility service, **11:255**  
time limitations, **11:129**  
under rent control, **11:114**  
under rent stabilization, **11:115-11:116**  
units unde tax benefit programs, **11:136-11:137**  
vacant housing accommodations, **11:109-11:112**  
Mailbox relocation, New York City, **11:274**  
Maintenance and repairs, increase of rent, **11:238**  
Maximum rent system, **6:18, 6:19**

**RENT CONTROL AND RENT STABILIZATION—Cont'd**

MBR, defined, **11:152**  
 MBR Order of Eligibility, **11:158**  
 MCR, defined, **11:153**  
 Motor courts, **11:67, 11:100**  
 Municipalities, **11:62, 11:68**  
 Negligent rent overcharges, treble damages, **11:360, 11:361**  
 Nephews, succession rights of family members, **11:421**  
 New construction, **11:81, 11:92-11:95**  
 New landlord must obtain rent history, **6:24**  
 New York City  
     accommodations outside NYC, **2:125**  
     accommodations within NYC, **2:126**  
     Administrative Code § "J-51," **11:48**  
     Fact Sheets, **11:506**  
     local law, harassment under, **11:408**  
     Loft Law, **11:49**  
     Rent and Eviction Regulations, **11:40**  
     Rent and Rehabilitation Law, **11:34**  
     Rent Stabilization Law, **11:37**  
 New York State Homes and Community Renewal  
     generally, **11:7-11:14**  
     administrative determinations, **11:8-11:11**  
     "deemed denied," judicial review of petitions for administrative review, **11:14**  
     expedited proceedings, **11:11**  
     judicial review, **11:12-11:14**  
     ninety days, decisions on petitions for administrative review within, **11:10**  
     reasonableness, upholding of rulings on judicial review, **11:13**  
 Nieces, succession rights of family members, **11:421**

**RENT CONTROL AND RENT STABILIZATION—Cont'd**

Noise complaints between neighbors, **11:400**  
 Nonprimary residence, **11:102, 11:103, 11:450-11:454**  
 Not-for-profit institutions  
     generally, **11:69, 11:476-11:480**  
     Emergency Tenant Protection Act, **11:480**  
     rent control, **11:477**  
     rent stabilization, **11:478-11:480**  
     restrictions on recovery, **11:479**  
     subleases and assignments, **11:440**  
 Notice of tenancy to third parties, **2:73, 2:87**  
 Notice to tenant and opportunity to answer, deregulation, **11:126**  
 Nuisance, procedure for termination, **13:101, 13:104**  
 N.Y. Real Prop. Tax Law § 421-a and § 421-g, **11:47**  
 Objection by tenant to initial registration, **11:177**  
 Occupancy of premises, **10:102**  
 Offset for court ordered rent abatement, **11:395**  
 Offset method of recovery, overcharge of rent, **11:373**  
 Omnibus Housing Act of 1983, **11:29**  
 Operational Bulletins, **11:501**  
 Opinion letters, **11:503**  
 Option to cancel lease, hardship to landlord, **11:313**  
 Overcharge of rent  
     generally, **11:344-11:380**  
     attorneys' fees and costs, **11:368-11:370**  
     default history, use of, **11:356**  
     failure to register rent, treble damages, **11:365**  
     fair-market rent-appeals, compared, **11:345**  
     four year statute of limitations under rent stabilization, **11:351 et seq.**  
     freeze of rent for failure to register rent, **11:371**

## INDEX

### RENT CONTROL AND RENT STABILIZATION—Cont'd

Overcharge of rent—Cont'd  
interest on overcharge refund,  
**11:367**  
interest on refund, **11:366**  
judgment method of recovery,  
**11:374**  
judicial sale of building, **11:378-11:380**  
negligent rent overcharges, treble damages, **11:360, 11:361**  
offset method of recovery, **11:373**  
ownership of building, change in,  
**11:377**  
penalties, **11:357-11:371**  
procedure, **11:346-11:348**  
receiver, judicial sale of building,  
**11:36**  
records of rent history, production of, **11:355, 11:356**  
recovery of rent overcharge,  
**11:372-11:380**  
reduction of overcharge award,  
**11:375**  
refund offered in response to complaint, treble damages, **11:364**  
remedies for rent overcharge,  
**11:357**  
six year limit, treble damages,  
**11:362**  
six year statute of limitations under rent control, **11:350**  
statute of limitations, **11:349 et seq.**  
technical errors, treble damages, **11:363**  
treble damages applied to willful overcharge, **11:358-11:365**  
vacatur by tenant with no forwarding address, disposition of award, **11:376**  
willful overcharges, treble damages, **11:358-11:365**  
Owner occupancy, recovery of unit for generally, **11:457 et seq.**  
certificate of eviction, **11:458**

### RENT CONTROL AND RENT STABILIZATION—Cont'd

Owner occupancy, recovery of unit for—Cont'd  
elderly, disabled, and long-term residents, **11:469-11:475**  
Emergency Tenant Protection Act, elderly, disabled, and long-term residents, **11:473**  
immediate and compelling necessity, **11:465, 11:466**  
immediate and compelling necessity for recovery, **11:467, 11:468**  
immediate family, defined, **11:463**  
individuals only, recovery by, **11:460, 11:461**  
number of owners or units, limits on, **11:462**  
partnerships and corporate entities, **11:461**  
payment of rent by immediate family member, effect of, **11:464**  
penalties for failure to take occupancy, **11:466**  
Rent Stabilization Law, elderly, disabled, and long-term residents, **11:474, 11:475**  
self or immediate family member, recovery for, **11:459-11:464**  
successor tenant of elderly, disabled, and long-term residents, **11:472**  
Painting, **11:230**  
Parking charges, **4:95**  
Partnerships, recovery of unit for owner occupancy, **11:461**  
Penalties  
harassment, **11:407**  
overcharge of rent, **11:197-11:200, 11:357-11:371**  
owner occupancy, recovery of unit for, **11:466**  
registration statements, failure to file, **11:179-11:181**  
Permanence of increase of rent, **11:294**  
Policy Statements, **11:502**

**RENT CONTROL AND RENT  
STABILIZATION—Cont'd**

Possession of property, failure of tenant to take possession, **8:12, 8:13**  
Previously unregistered units, **6:19**  
Primary jurisdiction doctrine, Attorney General has standing to sue for practices which violate rent-regulation laws, **11:23**  
Primary residence requirement, succession rights of family members, **11:419**  
Prohibitions generally, **11:316 et seq.**  
broker's fee when broker is landlord's agent or employee, **11:319**  
conditional rentals, **11:320**  
essential or required services, reduction of, above  
evasion of rent regulations, **11:317**  
failure to renew rent-stabilized lease, above  
harassment, **11:406-11:408**  
overcharge of rent, above  
penalties for harassment, **11:407**  
security deposit restrictions, **11:409**  
waiver of benefit void, **11:318**  
Publications by Division of Housing and Community Renewal generally, **11:500-11:508**  
Advisory Opinions, **11:500**  
availability, **11:500, 11:507**  
Emergency Tenant Protection Act Fact Sheets, **11:506**  
Fact Sheets, **11:505-11:507**  
forms, availability of, **11:508**  
Operational Bulletins, **11:501**  
Opinion letters, **11:503**  
Policy Statements, **11:502**  
Purpose, **11:4**  
Receiver, judicial sale of building, **11:36**  
Redevelopment, tax benefit programs, **11:82**

**RENT CONTROL AND RENT  
STABILIZATION—Cont'd**

Refund of excess rent, **11:195, 11:196**  
Registration of rents and services, rent control generally, **11:143-11:164**  
additional 1984 registration requirement within New York City, **11:145, 11:146**  
adjustment of maximum rents outside New York City, **11:161**  
biannual maximum rent adjustments in New York City, above  
failure to register, **11:147**  
fees for registration, **11:148**  
initial registration, **11:144-11:148**  
rent guideline increases under rent stabilization, **11:162**  
report of vacancy decontrol, **11:164**  
request for MCR calculation, **11:163**  
Registration of rents and services, rent stabilization generally, **11:165-11:182**  
annual registration-update, **11:170, 11:171**  
effective April 1, 1984, **11:166**  
fees for registration, **11:178**  
Freedom of Information Law, registered rents and services not subject to, **11:176**  
initial registration, **11:167-11:169**  
late filing, prospective elimination of penalties by, **11:180**  
legal rent, initial registration, **11:168**  
luxury decontrol, **11:182**  
MCI applications, effect of failure to register or late registration on, **11:181**  
objection by tenant to initial registration, **11:177**  
penalties for failure to file registration statements, **11:179-11:181**

## INDEX

**RENT CONTROL AND RENT STABILIZATION—Cont'd**  
Registration of rents and services, rent stabilization—Cont'd proof of filing registration forms, **11:173-11:175**  
required services and other data, initial registration, **11:169**  
service and filing registration forms, **11:172-11:175**  
Rehabilitation and improvement program, tax exemption and abatement programs, **11:83**  
Relocation and stipends, **11:484, 11:485, 11:491, 11:492, 11:495**  
Renewal of lease, failure or refusal of tenant, **11:447-11:449**  
Rent Act of 2011, **11:32**  
Rent Act of 2015, **11:32**  
Rent reduction, **11:388-11:402**  
Rent Regulation Reform Act of 1993, **11:30**  
Rent Regulation Reform Act of 1997, **11:31**  
Rent Stabilization Code, **11:42-11:44**  
Report of vacancy decontrol, **11:164**  
Required services. Essential or required services, above  
Reregulation of multiple dwellings purchased from New York City, **11:142**  
Restoration of reduced rents, **11:402**  
Retroactive application, succession rights of family members, **11:425**  
Retroactive MCI, payment by vacating tenant, **11:293**  
Reversion of deregulated property to rent stabilization, **11:141**  
Rights and obligations, regulation of, **2:122, 2:123, 2:129, 2:130**  
Roofing, **11:275, 11:276**  
Rooming house, **11:76**  
Roommates, **3:49-3:51, 11:426**  
**Security Deposits** (this index)  
Senior Citizens Rent Increase Exemption Program, increase of rent, **11:298**

**RENT CONTROL AND RENT STABILIZATION—Cont'd**  
Service registration forms, **11:172-11:175**  
RR-1(i) form, **11:187, 11:188, 11:199**  
Signature on lease does not constitute consent of tenant, **11:233**  
**Single Room Occupancy Units (SROs)** (this index)  
Spouse, addition of, **11:328**  
State Rent and Eviction Regulations, **11:39**  
Statute of limitations, overcharge of rent, **11:349 et seq.**  
Storm windows, replacement windows after prior increase for, **11:279**  
Subleases and assignments generally, **11:429-11:440**  
furniture surcharge, **11:437**  
increase of rent during sublet term, **11:434, 11:435**  
not-for-profit hospitals, **11:440**  
sublet surcharge, collection of, **11:439**  
two year limit on sublease, **11:438**  
under rent control, **11:430, 11:433-11:435**  
under rent stabilization, **11:431, 11:436-11:440**  
Submetered electricity or other utility service, surcharges for, **11:252-11:255**  
Succession rights of family members generally, **11:410-11:428**  
concurrent jurisdiction, **11:411**  
cooperatives and condominiums, **11:412-11:414**  
criteria for establishing committed family-type relationship, **11:422**  
disabled person, defined, **11:417**  
elderly, disabled, and long-term residents, recovery of unit for owner occupancy, **11:472**  
eviction plans, cooperatives and condominiums, **11:414**

**RENT CONTROL AND RENT STABILIZATION—Cont'd**

Succession rights of family members  
—Cont'd  
family member, defined, **11:420, 11:421**  
joinder of tenant's estate, **11:427**  
nephews, nieces, aunts, and uncles, **11:421**  
non-eviction cooperatives, **11:413**  
notice to landlord of family members with possible succession rights, **11:423, 11:424**  
primary residence requirement, **11:419**  
residency term requirements, **11:415-11:419**  
retroactive application, **11:425**  
roommates and other occupants, **11:426**  
senior citizen, defined, **11:416**  
temporary relocation, interruption of minimum residency requirements, **11:418**  
vacancy increases permitted for second succession, **11:428**  
Surcharges for submetered electricity or other utility service, **11:252-11:255**  
Surrender of possession, **8:60, 8:63**  
Tax benefit programs, **11:80-11:84, 11:136, 11:137**  
Tax certiorari proceedings or objections, hardship to landlord, **11:309**  
Technical errors, treble damages, **11:363**  
Temporary relocation, interruption of minimum residency requirements, **11:418**  
Tenant, defined, **2:24, 2:25**  
**Termination of Lease** (this index)  
Term or duration of lease or tenancy, **2:40, 2:41**  
Third party certification, **11:289, 11:387**  
Three or more units, buildings with, **11:58-11:60**

**RENT CONTROL AND RENT STABILIZATION—Cont'd**

Time and date  
governing time limitations, **11:129**  
major capital improvements, filing application for increase of rent for, **11:259**  
Toilets, low flush, **11:277**  
Tourist homes, **11:67, 11:100**  
Transfer of tenancy rights  
generally, **11:410-11:441**  
subleases and assignments, above  
succession rights of family members, above  
Treble damages, **11:198, 11:358-11:365**  
Unaffiliated tenants, units owned or operated by charitable or educational institutions, **11:97, 11:98**  
Uncles, succession rights of family members, **11:421**  
Unconscionability, **10:24**  
Urstadt Law, **11:46**  
Vacancy  
“bonus,” **11:203**  
decontrol law, **11:27**  
increase, **11:205**  
Venue. Jurisdiction and venue, above  
Waiver of benefit void, **11:318**  
Washing machines, **11:246**  
Waterproofing, roofing, **11:276**  
Willful overcharges, treble damages, **11:358-11:365**  
Window guards, **11:247**  
Window period for renewal lease offer and acceptance, **11:330, 11:331**  
Windows, **11:278-11:282**  
Withdrawal of unit from market  
generally, **11:493-11:497**  
relocation and stipends, **11:495**  
rent control, **11:494, 11:495**  
rent stabilization, **11:496, 11:497**  
Written leases, **2:121, 2:127, 2:128**  
Zoning as exemption, **11:85**  
**RENT GUIDELINES BOARD**  
Single room occupancy units (SROs), **18:248**

## INDEX

### **RENT REGULATION REFORM ACT OF 1993**

Rent control and rent stabilization,  
**11:30**

### **RENT REGULATION REFORM ACT OF 1997**

Rent control and rent stabilization,  
**11:31**

### **RENT STABILIZATION CODE**

Rent control and rent stabilization,  
**11:42-11:44**

### **RENT STRIKES**

Generally, **16:1-16:43**

Abatements

generally, **16:39-16:43**

evidence, **16:41**

factors, **16:42, 16:43**

hearing, **16:40, 16:41**

measure of damages, **16:43**

Accounting, **16:35-16:37**

Adequate remedy at law, injunctive  
relief, **16:29**

Administrators, institution against,  
**16:17**

Associational activities of tenants,  
facilitation by state statutes,  
**16:8-16:14**

Common questions of law and fact,  
consolidation of cases, **16:19**

Compelling compliance with war-  
ranty of habitability, **16:2-16:5**

Consolidation of cases

generally, **16:18-16:24**

common questions of law and fact,  
**16:19**

good cause to oppose consolida-  
tion, **16:23**

inconsistent outcomes, avoidance  
of, **16:20**

judicial economy, **16:21**

New York City Civil Court, **16:22-  
16:24**

summary proceeding and Supreme  
Court litigation, **16:24**

Constitutional underpinnings, **16:7**

Counterclaim, retaliatory eviction,  
**16:12**

### **RENT STRIKES—Cont'd**

Defense, retaliatory eviction, **16:11**

Evidence, abatements, **16:41**

Good cause to oppose consolidation,  
**16:23**

Hearings, abatements, **16:40, 16:41**

Inconsistent outcomes, avoidance of,  
**16:20**

Injunctive relief

generally, **16:25-16:34**

adequate remedy at law, existence  
of, **16:29**

balancing equities in movant's  
favor, **16:30**

grant of ultimate relief disfavored,  
**16:33**

irreparable harm, **16:28, 16:29**

likelihood of ultimate success on  
merits, **16:27**

procedure, **16:34**

undertaking required as quid pro  
quo, **16:31, 16:32**

Irreparable harm, injunctive relief,  
**16:28, 16:29**

Judicial economy, consolidation of  
cases, **16:21**

Likelihood of ultimate success on  
merits, injunctive relief, **16:27**

Parties against whom rent strike may  
be instituted, **16:16, 16:17**

Parties who may commence rent  
strike, **16:15**

Picketing, **16:38**

Protests, **16:38**

Receivers, institution against, **16:17**

Retaliatory purposes, utilization of  
eviction proceeding for, **16:9-  
16:11**

Segregation of funds, accounting,  
**16:37**

Summary proceeding and Supreme  
Court litigation, consolidation of  
cases, **16:24**

Warranty of habitability, breach of,  
**16:4, 16:5**

### **REPAIRS**

**Maintenance and Repairs** (this  
index)

**REPLY**

Article 7-A proceedings, **16:98**

**REPORTS**

Communication with opposing parties, **1:121, 1:122**

Rent control and rent stabilization, vacancy decontrol, **11:164**

**REQUIRED SERVICES**

**Rent Control and Rent Stabilization** (this index)

**RESCISSON**

Possession of property, **8:15, 10:30**

Single room occupancy units (SROs), certification, **18:241**

**RES JUDICATA**

**Administrative Proceedings** (this index)

Article 78 proceedings, **17:179-17:181**

Bankruptcy proceeding, effect of assumption or rejection of unexpired leases in subsequently filed, **20:358**

Yellowstone injunctions, **16:214**

**RESTORATION**

**Illegal Evictions** (this index)

**RETAINERS**

Attorneys' fees, **1:74-1:76, 1:100**

**RETAINING LIENS**

Attorneys' fees, **1:101**

**RETALIATION**

Attorneys' fees and costs, **4:260**

Human Rights Law (NY), **5:84**

Human Rights Law (NYC), **5:118**

Lease agreements, **4:286**

Rent strikes, utilization of eviction proceeding, **16:9-16:11**

**RETALIATORY EVICTION DEFENSE**

**Holdover Proceedings** (this index)

**RETROACTIVITY**

Navigation Law § 181, **12:150**

Subleases and assignments, **4:119**

**REVERSION**

Life estates and life occupancies, death of life tenant, **2:102**

**REVIEW**

**Appeal and Review** (this index)

**RIGHT OF FIRST REFUSAL TO PURCHASE**

**Options** (this index)

**RIGHTS AND OBLIGATIONS OF TENANCY**

Generally, **10:1-10:161**

**Abandonment or Early Termination** (this index)

Assignments. **Subleases and Assignments** (this index)

Background, **10:1, 10:2**

Condemnation. **Eminent Domain** (this index)

**Condition of Premises** (this index)

Conditions precedent, dependent covenants, **10:8**

Covenants governing lease, generally, **10:3-10:24**

Dependent and independent covenants, **10:7-10:9**

Early termination. **Abandonment or Early Termination** (this index)

**Eminent Domain** (this index)

Express covenants, **10:4**

Fair dealing, **10:11**

**Fixtures** (this index)

Good faith, **10:11**

Implied covenants, **10:5, 10:6**

Independent and dependent covenants, **10:7-10:9**

Legal purposes, use of premises for generally, **10:125-10:128**

nature and scope of duty, **10:126**

remedies of landlord, **10:127**

waiver by landlord, **10:128**

**Maintenance and Repairs** (this index)

Mutual covenants

generally, **10:10-10:24**

good faith and fair dealing, **10:11**

**Unconscionability** (this index)

## INDEX

**RIGHTS AND OBLIGATIONS OF TENANCY—Cont'd**  
Nature of parties' agreement must be ascertained, **10:2**  
Occupancy of premises, **10:100-10:102**  
Payment of rent. **Rent and Other Charges** (this index)  
Percentage leases, use and occupancy of premises, **10:101**  
**Possession of Property** (this index)  
**Quiet Enjoyment** (this index)  
Remedies of landlord, use of premises for legal purposes, **10:127**  
**Rent and Other Charges** (this index)  
Rent regulations, occupancy of premises, **10:102**  
**Repairs. Maintenance and Repairs** (this index)  
**Section 8 Housing Program** (this index)  
Statutory obligations, implied covenants, **10:6**  
**Subleases and Assignments** (this index)  
Trade fixtures. **Fixtures** (this index)  
**Unconscionability** (this index)  
Use of premises, **10:100-10:102**  
Waiver by landlord, use of premises for legal purposes, **10:128**  
**Waste** (this index)

**ROOFING**  
Rent control and rent stabilization, **11:275, 11:276**

**ROOMING HOUSES**  
Generally, **2:164**  
Americans With Disabilities Act, **5:66**  
Rent control and rent stabilization, **11:76**

**ROOMMATES**  
Generally, **3:37-3:51**  
Amount of rent tenant can charge, **3:52**  
Consent, tenancy by, **3:47**  
Guest, distinguished, **3:40**

**ROOMMATES—Cont'd**  
Legal restriction, **3:41-3:44**  
Notice requirements, **3:42**  
Overcrowding, **3:44**  
Primary residence, tenant must maintain, **3:43**  
Rent control and rent stabilization, **3:49-3:51, 11:426**  
Rent increase for roommates, collection by landlord, **3:48-3:51**  
Subtenant, distinguished, **3:39**  
Tenant, distinguished, **3:38-3:40**  
Termination of tenancy, effect of, **3:46, 3:47**

**RULES AND REGULATIONS**  
**Lease Agreements** (this index)

**RURAL RENTAL ASSISTANCE PROGRAM**  
Generally, **19:280-19:286**  
Amount of assistance, **19:282**  
Participation by landlords, **19:283**  
Preferences, **19:285**  
Rent and rent increases, **19:286**  
Rural areas, **19:281**  
Selection of tenants, **19:284, 19:285**

**SAFETY**  
**Health and Safety** (this index)

**SALE OF GOODS**  
**Warehouse Sale** (this index)

**SANCTIONS**  
**Frivolous Conduct** (this index)

**SATELLITE DISHES**  
Holdover proceedings, **15:16**  
Lease agreements, nonwaivable and nonmodifiable rights, **4:287**  
Termination of tenancy, **13:48, 13:49**

**SATURDAYS**  
Rent and other charges, time for payment, **6:7**

**SCHOOL DISTRICTS**  
Term or duration of lease or tenancy, **4:67**

**SECRETARY OF STATE**

Nonpayment proceedings, personal service, **14:168**

**SECTION 8 HOUSING PROGRAM**

Generally, **19:2-19:102**

Acceptance of voucher after landlord opts-out of program, **19:11**

Administrative hearing, termination of tenancies, **19:96 et seq.**

Amount of assistance

generally, **19:20-19:23**

certificate program, **19:21**

vacancy payments, **19:23**

voucher program, **19:22**

Annual increases, rent adjustments during tenancy term, **19:58, 19:59**

Basis of subsidy, **19:7-19:10**

Certificate program, **19:21**

Certification procedures, Williams consent judgment, **19:85**

Costs of landlord, rent adjustments during tenancy term, **19:60**

Creation of tenancy, **19:34**

Damages, **19:67, 19:68**

Due process, rent and rent increases, **19:52**

Eligibility for assistance

generally, **19:12-19:19**

grounds for denial, **19:17**

informal review, **19:18, 19:19**

low-income families, defined, **19:13**

notice of denial, **19:16**

very low-income families, defined, **19:14**

Westchester County, **19:15**

Eviction wrongful, restoration remedy, **19:102**

Forms

certification of basis for eviction proceeding, **19:305**

notice to tenants of preemption request, **19:306**

Good cause, termination of tenancies, **19:74-19:80**

**Holdover Proceedings** (this index)

Housing agency, liability of, **19:69**

**SECTION 8 HOUSING PROGRAM**

**—Cont'd**

HUD addendum, new construction, **19:44**

Increases in rent. Rent and rent increases, below

Inspection obligations, **19:65**

Interpretation, **19:33**

Intervention, Williams consent judgment, **19:88**

Joiner of housing authority as party, Williams consent judgment, **19:89**

Low-income families, defined, **19:13**

Maximum ceiling, initial rent, **19:50-19:52**

New construction, **19:5**

Nonpayment by housing agency, termination of tenancies, **19:80**

**Nonpayment Proceedings** (this index)

Non-waiting list assistance, selection of tenants, **19:40**

Notice of petition and petition, termination of tenancies, **19:94**

Objection by housing authority, Williams consent judgment, **19:86**

Obligations during tenancy

generally, **19:62-19:72**

damages, **19:67, 19:68**

enforcement, **19:71**

housing agency, liability of, **19:69**

inspection obligations, **19:65**

landlord obligations, **19:63, 19:64**

remedies, **19:66, 19:67**

security deposits, **19:70, 19:72**

tenant obligations, **19:68-19:71**

Opting out of program, landlord's obligations after, **19:51**

Overcharges of rent, **19:51**

Preemption of state and local law, **19:30-19:32, 19:306**

Preferences, selection of tenants, **19:36-19:40**

Private landlord participation generally, **19:24-19:29**

disapproval of tenant's application to lease particular unit, **19:25-19:27**

## INDEX

### SECTION 8 HOUSING PROGRAM

#### —Cont'd

- Private landlord participation
  - Cont'd
    - termination of assistance payments to landlord, **19:29**
    - termination or expiration of assistance contract, **19:28**
- Reasonableness, initial rent, **19:53**
- Remedies, obligations during tenancy, **19:66, 19:67**
- Renewal leases, **19:46, 19:47**
- Rental agreement
  - generally, **19:43-19:47**
  - HUD addendum, new construction, **19:44**
  - prohibited provisions, **19:45**
  - renewal leases, **19:46, 19:47**
- Rental rehabilitation housing programs, **19:4**
- Rent and rent increases
  - generally, **19:48-19:61**
  - annual increases, rent adjustments during tenancy term, **19:58, 19:59**
  - costs of landlord, rent adjustments during tenancy term, **19:60**
  - due process, maximum ceiling, **19:52**
  - initial rent, **19:49-19:54**
  - local rent regulation, **19:55, 19:56**
  - maximum ceiling, initial rent, **19:50-19:52**
  - overcharges of rent, **19:51**
  - reasonableness, initial rent, **19:53**
  - tenancy term, rent adjustments during, **19:57-19:61**
  - voucher program, initial rent, **19:54**
- Screening standards, selection of tenants, **19:42**
- Security deposits, **19:70, 19:72**
- Selection of tenants
  - generally, **19:35-19:42**
  - federal preferences, **19:37**
  - local preferences, **19:38**
  - non-waiting list assistance, **19:40**
  - preferences, **19:36-19:40**
  - screening standards, **19:42**

### SECTION 8 HOUSING PROGRAM

#### —Cont'd

- Selection of tenants—Cont'd
  - senior citizens, preferences for, **19:39**
- Senior citizens, preferences for, **19:39**
- Service of termination notice, **19:82-19:94**
- Structure, attachment of subsidy to, **19:9**
- Substantially rehabilitated housing, **19:6**
- Targeted Section 8, **19:103**
- Tenant, attachment of subsidy to, **19:8**
- Termination of tenancies
  - generally, **19:73 et seq.**
  - administrative hearing, **19:96 et seq.**
  - breach of lease, **19:75**
  - good cause, **19:74-19:80**
  - household members, administrative hearing, **19:98**
  - nonpayment by housing agency, **19:80**
  - notice of petition and petition, **19:94**
  - other good cause, **19:77, 19:78**
  - procedures, **19:95**
  - restoration as remedy for wrongful eviction, **19:102**
  - review procedures, **19:100**
  - restoration as remedy for wrongful eviction, **19:102**
  - service of termination notice, **19:82-19:94**
  - tenant, termination by, **19:81**
  - validity of termination notice, challenge to, **19:99**
  - violations of law, **19:76**
  - waiver inapplicable, **19:79**
  - Williams consent judgment, below
- Term of certificate or voucher, **19:10**
- validity after landlord opts out of project-based program, **19:11**
- Types of housing, **19:3-19:6**
- Unpaid subsidies, recovery of, **19:93**
- Vacancy payments, **19:23**

**SECTION 8 HOUSING PROGRAM**

—**Cont'd**

- Very low-income families, defined, **19:14**
- Voucher program, **19:11, 19:22, 19:54**
- Waiver, termination of tenancies, **19:79**
- Warranty of habitability, **9:13**
- Westchester County, eligibility for assistance, **19:15**
- Williams consent judgment generally, **19:84-19:93**  
certification procedures, **19:85**  
content of certification, **19:91**  
intervention, **19:88**  
joinder of housing authority as party, **19:89**  
objection by housing authority, **19:86**  
requirement of certification, **19:87**  
response of tenant, time for, **19:90**  
unpaid subsidies, recovery of, **19:93**

**SECTION 221**

**Loan Programs, Federal** (this index)

**SECTION 236**

**Loan Programs, Federal** (this index)

**SECURITY DEPOSITS**

- Generally, **4:80, 4:81, 7:1-7:67**
- Accord and satisfaction, **7:28**
- Actual knowledge, liability of new owner, **7:46, 7:47**
- Administrative fee, **7:42, 7:52, 7:61**
- Annual interest payments, interest-bearing account, **7:43**
- Approval of tenant, deposit pending, **7:71**
- Arrears, default nor cured by application to rent, **7:5**
- Attorney General has standing to sue, interest-bearing account, **7:44**
- Bankruptcy issues, **20:286-20:291, 20:376**

**SECURITY DEPOSITS—Cont'd**

- Civil remedy to recover deposits, **7:54**
- Commingling of funds generally, **7:8-7:15**
- breach by tenant does not relieve landlord of duty to segregate funds, **7:12, 7:13**
- conversion, commingling as, **7:10**
- correction of commingling, **7:11**
- damages, use of security deposit to offset, **7:14, 7:15**
- interest-bearing account, deposit into, **7:9**
- Constructive eviction, refund upon termination of tenancy, **7:22**
- Conversion, commingling of funds as, **7:10**
- Conveyance of property, rent-stabilized tenants, **7:63-7:66**
- Correction of commingling of funds, **7:11**
- Damages, use of security deposit to offset, **7:14, 7:15, 7:27, 7:28**
- Defined, **7:2-7:5**
- Government subsidized housing, New York State programs, **19:218**
- Holdover proceedings grounds, **15:22**
- HOME Program, **19:117**
- Interest-bearing account generally, **7:9, 7:38-7:44, 7:52**  
administrative fee, **7:42**  
annual interest payments, **7:43**  
Attorney General has standing to sue, **7:44**  
six dwelling units, **7:39**  
written notice to tenant, **7:40, 7:41**
- Lease agreements, **4:288**
- Loan programs, New York City, **19:292**
- Manufactured home parks, **2:156, 7:69**
- New York State bank, deposit in, **7:62**
- Nonpayment proceedings, **14:234, 14:369**
- Offsets by landlord generally, **7:14, 7:15, 7:24-7:34**

## INDEX

### **SECURITY DEPOSITS—Cont'd**

Offsets by landlord—Cont'd  
accrued interest on security deposit  
need not be applied to  
supplemental security owed  
by tenant, **7:32**  
damages, use of security deposit to  
offset, **7:14, 7:15, 7:27, 7:28**  
exceptions to right to withhold,  
**7:34**  
inspection right of tenant, **7:25**  
interest owed on security deposit  
no defense to rent nonpayment,  
**7:31**  
rent arrears, tenant cannot offset,  
**7:30-7:33**  
repairs, tenant's right to make,  
**7:26**  
timing of refund, **7:29**  
Prepaid rent also held in trust, **7:35**  
Priority of landlord's claim to security  
deposits, **7:7**  
Public assistance, tenants receiving,  
**7:70**  
Receiver, liability upon conveyance  
of property, **7:64**  
Refund upon termination of tenancy  
generally, **7:20-7:23**  
constructive eviction, **7:22**  
stipulation of settlement is silent,  
**7:21**  
warranty of habitability, breach of,  
**7:23**  
Renewal of lease, amount of deposit,  
**7:59**  
Rent, security deposit is not, **7:3**  
Rent-controlled tenants  
generally, **7:50-7:55, 11:409**  
administrative fee, **7:52**  
excess deposit, collection constitutes  
rent overcharge, **7:55**  
interest-bearing account, deposit  
in, **7:52**  
maximum amount of security  
deposit, **7:51**  
new landlord, liability of, **7:53**  
Rent-stabilized tenants  
generally, **7:56-7:68, 11:409**  
administrative fee, **7:61**

### **SECURITY DEPOSITS—Cont'd**

Rent-stabilized tenants—Cont'd  
amount of deposit, **7:57-7:59**  
conveyance of property, liability  
upon, **7:63-7:66**  
effective date, liability upon  
conveyance of property, **7:66**  
excess security deposit claim, **7:68**  
interest, disbursement of, **7:60**  
New York State bank, deposit in,  
**7:62**  
receiver, liability upon conveyance  
of property, **7:64**  
renewal of lease, amount of  
deposit, **7:59**  
rules, statement in rent stabilization  
lease rider, **7:67**  
waiver of benefit, liability upon  
conveyance of property, **7:65**  
Section 8 Housing program, **19:70,**  
**19:72**  
Substantial obligation of tenancy,  
**7:4, 7:5**  
Termination of lease, **13:55**  
Transfer of security deposits upon  
conveyance of property  
generally, **7:16-7:19, 7:45-7:49**  
absolute liability of new owner,  
**7:46, 7:47**  
actual knowledge, liability of new  
owner, **7:46, 7:47**  
express conveyance required, **7:19**  
failure to transfer is misdemeanor,  
**7:18**  
new owner, liability by, **7:17, 7:45-7:49**  
notice to tenant of lack of record of  
security deposit, **7:48, 7:49**  
Trust, deposit held in, **7:6**  
Unconscionability, **10:19**  
Waiver of benefit, liability upon  
conveyance of property, **7:65**  
Warranty of habitability, refund upon  
termination of tenancy, **7:23**  
Withdrawal of offer prior to acceptance  
by landlord, **7:71**

### **SELECTION OF TENANTS**

**Government Subsidized housing,**  
**New York State Programs** (this  
index)

**SELECTION OF TENANTS**

—Cont'd

- HOME Program, **19:110, 19:111**
- Loan programs, federal, **19:127, 19:128**
- Loan programs, New York City, **19:289, 19:290**
- Low-Income Housing Trust-Fund Program** (this index)
- Low-Income Turnkey-Housing Trust Fund Program** (this index)
- Rural rental assistance program, **19:284, 19:285**
- Section 8 Housing Program** (this index)

**SELF-HELP**

- Guests and lodgers, self-help eviction, **3:57**
- Holdover proceedings, common law right to self-help, **15:87**
- Illegal evictions, **16:402, 16:434 et seq.**
- Licenses, **3:30, 3:31**
- Occupancy Relationships Similar to Tenancies** (this index)
- Possession of property, **8:40, 8:41**
- Squatters and intruders, **3:94**
- Termination of lease, **13:7**

**SENIOR CITIZENS**

- Generally, **2:165-2:171**
- Adult Care Facilities, Senior Citizens Entering** (this index)
- Age Discrimination** (this index)
- Cooperative/condominium conversions, **2:170**
- Fair Housing Act, discrimination against children by housing for older persons, **5:49**
- Family or marital status discrimination, exemptions, **5:156**
- Form, notice to senior citizens, residential lease termination, **2:174**
- Government subsidized housing, New York State programs, **19:190, 19:197**
- Holdover proceedings exemption, **15:20, 15:50, 15:58, 15:69**

**SENIOR CITIZENS—Cont'd**

- Human Rights Law (NYC), **5:122**
- Low-income housing trust-fund program, **19:254**
- Pets, federal housing, **4:193, 15:20**
- Rent control and rent stabilization, **2:168, 2:169, 11:469-11:475**
- Section 8 Housing program, preferences, **19:39**
- Senior Citizens Rent Increase Exemption Program** (this index)
- Statutory protections and benefits, **2:166**
- Termination of lease, **2:171, 13:53, 13:107, 13:113, 13:116, 13:118**

**SENIOR CITIZENS RENT INCREASE EXEMPTION PROGRAM**

- Generally, **2:167, 19:301**
- Rent control and rent stabilization, increase of rent, **11:298**

**SERVICE OF PROCESS AND PAPERS**

- Administrative proceedings, notices, **17:7**
- Article 7-A Proceedings** (this index)
- Article 78 Proceedings** (this index)
- Contempt, **16:326 et seq.**
- Holdover Proceedings** (this index)
- HP Proceedings** (this index)
- Lofts** (this index)
- Nonpayment Proceedings** (this index)
- Personal Service** (this index)
- Petition for Administrative Review** (this index)
- “Poor person” proceedings, **16:357**
- Rent Control and Rent Stabilization** (this index)
- Section 8 Housing program, **19:82-19:94**
- Substituted Service** (this index)
- Termination of Lease** (this index)
- Yellowstone injunctions, **16:195-16:200, 16:203-16:205**

## INDEX

**SETTLEMENT**  
Compromise and Settlement (this index)

**SEVERABILITY**  
Lease agreements, **4:265**

**SEWAGE LEAKS AND SPILLS**  
Warranty of habitability, **9:72**

**SEX CLUBS**  
Immoral or illegal use of occupancy, **13:78**

**SEX DISCRIMINATION**  
Gender Discrimination (this index)

**SEXUAL ORIENTATION**  
Disabled persons, discrimination against, **5:185**  
Family or marital status discrimination, **5:155**  
Gender discrimination, **5:144**

**SHOW CAUSE ORDERS**  
Nonpayment proceedings, **14:71**

**SIDEWALKS**  
Premises liability, **12:36, 12:37, 12:67**

**SIGNATURES**  
Lease agreements, **4:270-4:272**

**SINGLE PERSONS**  
Family or marital status discrimination, **5:152**

**SINGLE ROOM OCCUPANCY UNITS (SROS)**  
Generally, **18:184-18:242, 18:245-18:248**  
Anti-harassment protections, **18:192**  
Background, **18:189-18:195**  
Blight, SROs as, **18:190**  
Class A multiple dwelling, defined, **18:187**  
Class B multiple dwelling, defined, **18:188**  
Classification of SRO buildings, **18:185-18:188**  
Constitutional challenge, harassment, **18:242**  
Defined, **18:184**

**SINGLE ROOM OCCUPANCY UNITS (SROS)—Cont'd**  
Department of Housing Preservation and Development, **18:245, 18:246**  
Division of Housing and Community Renewal, **18:245, 18:247**  
Filing fee, harassment, **18:234**  
Harassment  
generally, **18:221-18:242**  
applications, **18:231-18:234, 18:249**  
constitutional challenge, **18:242**  
contents of application, **18:233**  
defined, **18:228, 18:229**  
defined, Local Law 68 of 2014, **18:243**  
filing fee, application, **18:234**  
form for application for certification of no harassment or exemption, **18:249**  
hearing stage, **18:238**  
HPD decisions, **18:239**  
initial determination stage, **18:237**  
inquiry period, defined, **18:230**  
mechanisms of law, **18:222**  
notice of application, **18:236**  
persons who should file application, **18:232**  
post-determination stage, **18:240**  
presumptions, **18:229**  
process, **18:235-18:239**  
rent-stabilization, **18:205**  
single room occupancy multiple dwelling, defined, **18:223, 18:224**  
statutory exemptions, **18:225, 18:226**  
suspension and rescission of certification, **18:241**  
waivers, **18:227**  
Hearing stage, harassment, **18:238**  
History, **18:189-18:195**  
Increases in rent, rent-stabilization, **18:207**  
Moratoriums on development, **18:193, 18:194**  
Multiple dwelling, defined, **18:186**

**SINGLE ROOM OCCUPANCY UNITS (SROS)—Cont'd**

New York City hotel room occupancy tax, **18:213-18:216**

Notice of application, harassment, **18:236**

Number of SROs, **18:195**

Overcharges of rent, rent-stabilization, **18:209**

Presumptions, harassment, **18:229**

Process, harassment, **18:235-18:239**

Receipts for rent, rent-stabilization, **18:210**

Registration requirements, rent-stabilization, **18:208**

Rent Guidelines Board, **18:248**

Rent-stabilization

- generally, **18:196-18:211**
- continued occupancy, entitlement to, **18:202-18:204**
- eviction, grounds for, **18:203, 18:204**
- harassment, protections against, **18:205**
- hotel, defined, **18:197**
- increases in rent, **18:207**
- legal-regulated rent, **18:206-18:210**
- overcharges of rent, **18:209**
- permanent tenant, defined, **18:199-18:211**
- receipts for rent, **18:210**
- registration requirements, **18:208**
- rights of permanent tenants, **18:200-18:211**
- services required, **18:211**
- transient occupancy, defined, **18:198**

Rescission of certification, harassment, **18:241**

Suspension and rescission of certification, harassment, **18:241**

Taxes

- generally, **18:212-18:218**
- New York City hotel room occupancy tax, **18:213-18:216**
- permanent residents, **18:214, 18:218**

**SINGLE ROOM OCCUPANCY UNITS (SROS)—Cont'd**

Taxes—Cont'd

- state and city sales tax, **18:217, 18:218**

Unlawful eviction law, **18:219, 18:220**

Waivers, harassment, **18:227**

**SMOKE DETECTORS**

Multiple dwelling law, **12:66**

Warranty of habitability, **9:73**

**SNOW REMOVAL**

Generally, **12:100-12:103**

Counties must remove snow from public roads, **12:102**

New York City, **12:101**

State highway, property abutting, **12:103**

Warranty of habitability, **9:40**

**SOAP DISHES**

Warranty of habitability, **9:74**

**SOCIAL SERVICES**

Guests and lodgers, **3:61**

**SOLID WASTE DISPOSAL ACT**

Generally, **12:135-12:138**

Hazardous substances, defined, **12:136**

Strict liability, **12:137, 12:138**

Subsequent owners, liability of, **12:138**

**SPECIAL CLASSES OF TENANTS**

Generally, **2:118-2:171**

Assignments. Subleases and Assignments (this index)

Cooperative and Condominium Occupants (this index)

Hotel tenancies, **2:160-2:162**

Manufactured Home Park Tenancies (this index)

Military personnel, **2:172**

Rent-Controlled Tenants (this index)

Rent-Stabilized Tenants (this index)

Residential loft tenancies, **2:163**

Rooming houses, **2:164**

Senior Citizens (this index)

## INDEX

### SPECIAL CLASSES OF TENANTS

#### —Cont'd

Services, hotel tenancies, **2:162**  
Statutory protections, generally,  
**2:118**

**Subleases and Assignments** (this  
index)

### SPECIAL RELATIONSHIPS

Premises liability, **12:29, 12:30,**  
**12:191**

### SPECIFIC PERFORMANCE

Options, **4:323**  
Possession of property, **8:20, 8:21**

### SPEIGEL DEFENSE

Nonpayment proceedings, N.Y. Soc.  
Serv. Law § 145-b, **14:388**

### SPONSOR-HELD UNITS

Cooperatives and condominiums,  
post-conversion tenancy entitlements,  
**2:142**

### SPOUSES

Licenses, **3:34**  
Rent control and rent stabilization,  
**11:328**

### SQUATTERS AND INTRUDERS

Generally, **3:82 et seq.**  
Alternate grounds, summary proceedings on, **3:96-3:98**  
Consent, entry of premises, **3:87-3:89**  
Defined, **3:83-3:85**  
Eviction, **3:91-3:94**  
Holdover proceedings, **15:76, 15:257**  
HP proceedings, **16:233**  
Illegal evictions, **16:435**  
Illegal evictions, New York City,  
**16:450**  
Landlord-tenant relationship does not  
exist, **3:86-3:90**  
Licensee vs. squatter, **3:95-3:98**  
Notice requirement, **3:85**  
Possession of property, **10:34, 10:35**  
Property rights, **3:90**  
Roommate not squatter, **3:93**  
Self-help eviction, **3:94**  
Sublessee not squatter, **3:93**

### SQUATTERS AND INTRUDERS

#### —Cont'd

Summary proceedings, eviction,  
**3:92, 3:93, 3:96-3:98**  
Withdrawal of consent to enter  
premises, **3:89**

### STANDING

Article 7-A proceedings, **16:53**  
Discrimination, **5:200-5:209, 5:221-5:224, 5:233**  
HP proceedings, **16:280**  
Waste, **10:137, 10:138**

### STATE DIVISION OF HUMAN RIGHTS

Human Rights Law (NY),  
administration of, **5:93, 5:94**

### STATE RENT AND EVICTION REGULATIONS

Rent control and rent stabilization,  
**11:39**

### STATUTE OF FRAUDS

**Lease Agreements** (this index)  
Parties to lease agreements, real  
estate brokers, **4:43**  
Subleases and assignments, **4:154**

### STATUTES OF LIMITATION

Article 78 proceedings, **17:123-17:127**  
Civil Rights Act of 1866, **5:199**  
Discrimination, **5:195-5:199, 5:220, 5:232**  
Environmental liability, **12:165, 12:172**  
Fair Debt Collection Practices Act,  
**1:173**  
Illegal evictions, **16:400**  
Lofts, **18:37, 18:108, 18:109**  
Rent control and rent stabilization,  
overcharge of rent, **11:349 et seq.**  
Warranty of habitability, **9:82**

### STAYS

**Bankruptcy** (this index)  
Holdover proceedings  
warrant (commercial tenants),  
**15:627-15:629**

**STAYS—Cont'd**

- Holdover proceedings—Cont'd  
warrant (NYC residential tenants),  
**15:613-15:624**
- warrant (outside NYC), **15:625-15:626**
- Nonpayment proceedings  
notice of eviction and warrant,  
**14:489, 14:490**
- N.Y. Real Prop. Act § 755 stay,  
**14:378-14:382**
- Petition for administrative review,  
stays pending determination,  
**17:82-17:87**
- Tenancies at sufferance, automatic  
stay, **2:117**

**STEERING**

- Fair Housing Act, **5:35**
- Race discrimination, **5:132, 5:204**

**STEPCHILDREN**

- Licenses, **3:35**

**STIPULATIONS**

- Holdover Proceedings** (this index)
- Nonpayment Proceedings** (this index)
- Warranty of habitability, **9:7**

**STORM WINDOWS**

- Rent control and rent stabilization,  
replacement windows after prior  
increase, **11:279**

**STRICT LIABILITY**

- Generally, **12:104-12:115**
- Air Pollution Prevention and Control  
Act, **12:141**
- Comprehensive Environmental  
Response, Compensation, and  
Liability Act of 1980, **12:131-12:133**
- Fire-related protections, **12:107, 12:108**
- Labor Law §§ 240, 241, **12:109-12:111**
- Navigation Law § 181, **12:149**
- Petroleum products, leakage of,  
**12:105, 12:106**
- Single family homes, Labor Law  
§§ 240, 241, **12:110, 12:111**
- STRICT LIABILITY—Cont'd**
- Solid Waste Disposal Act, **12:137, 12:138**
- Two family homes, Labor Law  
§§ 240, 241, **12:110, 12:111**
- Underground storage tanks, leakage  
of petroleum products, **12:106**
- Water Pollution Control Act, **12:145**
- Window Guards** (this index)

**STRIKES AND LABOR DISPUTES**

- Warranty of habitability, **9:80, 14:395**

**SUBLEASES AND ASSIGNMENTS**

- Generally, **2:145 et seq., 4:114-4:154, 10:142-10:152**
- Acceptance of rent, **2:148, 2:149, 4:128-4:131**
- Bankruptcy** (this index)
- Bankrupt tenant, liability upon  
assignment, **10:152**
- Burden of proof, reasonableness of  
withholding of consent, **4:134**
- Commercial leases, generally, **4:123-4:132, 10:145**
- Consent. Reasonableness of with-  
holding of consent, below
- Distinctions, **4:143, 10:143**
- Effect of valid assignment  
generally, **4:145-4:149**
- privity of contract, **4:148, 4:149**
- privity of estate, **4:147**
- release of original tenant, **4:146**

- Effect of valid sublease  
generally, **4:150-4:153**
- rights of subtenant, **4:151**
- subtenant bound by master lease,  
**4:153**
- tenant/sublessor remains bound by  
master lease, **4:152**

- Emergency rent-laws, **10:149, 10:150**

- Enforcement of lease agreements,  
acceptance of rent from unau-  
thorized assignee, **4:343**

- Estoppel, enforcement limited by,  
**4:127**

- Express conditions, commercial  
leases, **4:126**

- Failure to comply with N.Y. Real  
Prop. Law § 226-b, **4:122**

## INDEX

### SUBLEASES AND ASSIGNMENTS

#### —Cont'd

- Financial stability of proposed transferee, **4:136**
- Four or more residential units, buildings with, **10:147, 10:148**
- Future consent not waived by consent to one sublease, **4:130**
- Guaranty clauses, **4:235**
- HP proceedings, **16:235**
- Illegal evictions, **16:386**
- Implied restrictions, commercial leases, **4:124, 4:125**
- Landlord, defined, **2:7**
- Lease agreements, **4:290**
- Licenses, extending prohibitions to, **4:141**
- Lofts, grounds for holdover proceeding, **18:181**
- Manufactured homes, **4:142**
- Misrepresentations in information provided, **4:140**
- Nonpayment Proceedings** (this index)
- Notice to landlord, residential sublets, **4:120**
- Possession of property, delivery to assignee of tenant, **10:27**
- Posture of landlord on assignments, **2:151**
- Privity of contract, **4:148, 4:149**
- Privity of estate, **4:147**
- Pro tanto assignment, **2:152**
- Protest, acceptance of rent under, **4:129**
- Public housing and co-ops, **4:118**
- Reasonableness of informational request, **10:148**
- Reasonableness of withholding of consent generally, **2:146, 2:147, 4:133-4:141**
  - burden of proof, **4:134**
  - failure to request consent, **4:139**
  - financial stability of proposed transferee, **4:136**
- licenses, extending prohibitions to, **4:141**

### SUBLEASES AND ASSIGNMENTS

#### —Cont'd

- Reasonableness of withholding of consent—Cont'd
- misrepresentations in information provided, **4:140**
- nature of proposed occupancy, **4:137**
- waiting list, existence of, **4:138**
- Release of original tenant, **4:146**
- Rent Control and Rent Stabilization** (this index)
- Residential leases, generally, **4:115-4:122, 10:146-10:151**
- Retroactivity, residential sublets, **4:119**
- Statute of frauds, **4:154**
- Sweetheart provisions, **10:150**
- Tenant of landlord, assignee as, **2:150, 2:151**
- Termination of lease, **13:56, 13:69**
- Timing of consent of landlord, residential sublets, **4:121**
- Unconscionability, **10:21**
- Use and occupancy, entitlement to, **2:149**
- Waiting list, existence of, **4:138**
- Waiver, enforcement limited by, **4:127-4:132**
- Warranty of habitability, **14:398, 14:399**
- Yellowstone injunctions, **16:174, 16:176**

### SUBORDINATION CLAUSE

- Notice of tenancy to third parties, lease extinguished in foreclosure, **2:78**

### SUBSTANTIAL EVIDENCE

- Administrative proceedings, **17:28, 17:29, 17:32**
- Article 78 proceedings, **17:138-17:141, 17:166**

### SUBSTITUTED SERVICE

- Article 7-A proceedings, **16:80, 16:81**

- Nonpayment Proceedings** (this index)

**SUCCESSION**

Cooperative and condominium occupants, units held by non-purchasing rent-regulated tenants under non-eviction plan, **2:141**

Employer and employee, **3:81**

Government subsidized housing, New York State programs, **19:202**

Lofts, **18:45**

**Rent Control and Rent Stabilization** (this index)

**SUFFERANCE, TENANCIES AT At-Will or At-Sufferance Tenancies** (this index)

**SUICIDE**

Premises liability, failure to disclose that property was location of, **12:209**

**SUMMARY JUDGMENT**

Nonpayment proceedings, **14:405**

**SUMMARY PROCEEDINGS**

Cooperative and condominium occupants, **2:134**

Guarantor, joinder as party, **4:231**

Guests and lodgers, **3:58**

Illegal evictions, **16:377 et seq.**

Licenses, **3:29**

Lis pendens, **2:82**

**Lofts** (this index)

Nonpayment proceedings, **14:3, 14:22**

Occupancy relationships similar to tenancies, **3:2-3:4**

Petition for administrative review, **17:87**

Possession of property, **10:33, 10:34**

Rent strikes, **16:24**

Squatters and intruders, **3:92, 3:93, 3:96-3:98**

**SUMMATIONS**

Nonpayment proceedings, **14:461**

**SUNDAYS**

Nonpayment proceedings, conspicuous-place service, **14:191**

**SUNDAYS—Cont'd**

Rent and other charges, time for payment, **6:7**

**SUPERVISION**

Competence of attorney, **1:41**

**SURCHARGES**

Lofts, rent regulation, **18:102**

**SURRENDER OF POSSESSION**

Generally, **8:42-8:63**

Authority to surrender possession, **8:50**

Computation of use and occupancy, **8:49**

Condition of premises, **10:62, 10:63, 10:79**

Death of tenant

generally, **8:62-8:66**

expiration of lease, joinder of tenant's estate, **8:66**

holdover proceedings, joinder of tenant's estate, **8:65**

procedure for recovery of possession, **8:64-8:66**

rent-controlled tenancies, **8:63**

Destruction of premises, **8:52**

Double rent, liability for, **8:58**

Expiration of lease, joinder of tenant's estate, **8:66**

Holding over after expiration of term, **8:45, 8:46**

Holdover proceedings, joinder of tenant's estate, **8:65**

Mitigation of damages upon surrender, **8:55-8:57**

Month-to-month tenancies, holding over after expiration of term, **8:46**

Necessary relocation of tenant, **8:54**

Prior to expiration of lease, **8:51, 8:52**

Removal of all occupants, duty, **8:43**

Renewals and extensions, **8:44**

Rent-controlled tenancies, death of tenant, **8:63**

Rent-regulated tenancies, violation of lease terms or statute, **8:60**

## INDEX

### SURRENDER OF POSSESSION

#### —Cont'd

- Termination of lease
  - generally, **8:42-8:49, 8:59-8:61**
  - authority to surrender possession, **8:50**
  - computation of use and occupancy, **8:49**
  - holding over after expiration of term, **8:45, 8:46**
  - liability for use and occupancy, **8:47-8:49**
  - month-to-month tenancies, holding over after expiration of term, **8:46**
  - removal of all occupants, duty, **8:43**
  - renewals and extensions, **8:44**
  - rent-regulated tenancies, violation of lease terms or statute, **8:60**
  - rent vs. use and occupancy, **8:48**
  - time periods for termination or surrender pursuant to lease, **8:61**
  - violation of lease terms or statute, **8:59-8:61**
- Time periods for termination or surrender pursuant to lease, **8:61**

### SWEETHEART PROVISIONS

- Subleases and assignments, **10:150**

### TAXES

- Creation of tenancy, **2:93**
- Property Taxes** (this index)
- Rent and other charges, **4:105**
- Rent control and rent stabilization, **11:80-11:84, 11:136, 11:137, 11:309**
- Single Room Occupancy Units (SROs)** (this index)

### TENANT, DEFINED

- Generally, **2:19-2:27**
- HUD tenant, **2:26, 2:27**
- Illusory tenant, **2:21**
- Lessee as tenant, **2:20, 2:21**
- Occupant, distinguished, **2:22**
- Rent-controlled tenant, **2:24**
- Rent-stabilized tenant, **2:25**

### TENANT, DEFINED—Cont'd

- Rooming house/hotel resident, **2:23**

### TENDER OF POSSESSION

- Possession of Property** (this index)
- Surrender of Possession** (this index)

### TERMINATION OF LEASE

- Generally, **13:1 et seq.**
- Abandonment or Early Termination** (this index)
- Access, refusal to provide
  - generally, **13:43, 13:142-13:145**
  - Emergency Tenant Protection Act tenants, **13:143**
  - New York City rent-stabilized tenants, **13:144**
  - rent-controlled tenants, **13:145**
- Adult Care Facilities, Senior Citizens Entering** (this index)
- Agents, **13:9, 13:10**
- Alterations, **13:44-13:48**
- Attorneys, **13:9, 13:10**
- At-will or at-sufferance tenancies
  - generally, **13:30-13:34**
  - contents of notice, **13:34**
  - distinctions, **13:30-13:32**
  - procedure, **13:33**
  - service, **13:33**

- Conditional limitations, **13:4, 13:5**

- Demolition
  - holdover proceeding grounds, **15:47, 15:62**
  - New York City rent-stabilized tenants, **13:136**
  - rent-controlled tenants, **13:137, 15:47, 15:62**
- Department of Housing and Community Renewal certificate of eviction, **13:29**
- Department of Housing and Community Renewal filing
  - generally, **13:25-13:27**
  - Emergency Tenant Protection Act tenants, **13:26**
  - rent-controlled tenants, **13:27**
- Destruction of Premises** (this index)
- Disabled persons, owner occupancy, **13:107, 13:113, 13:116, 13:118**

**TERMINATION OF LEASE****—Cont'd**

Duplicate key, provision to landlord, **13:50**  
 Early termination. **Abandonment or Early Termination** (this index)  
 Egregious conduct, **13:93**  
 Emergency Tenant Protection Act  
     access, refusal to provide, **13:143**  
     Department of Housing and Community Renewal filing, **13:26**  
     non-primary residence, **13:123**  
     nonprofit institutions, **13:131**  
     notice of nonrenewal, timing of, **13:23**  
     notice to cure, **13:15, 13:16**  
     owner occupancy, **13:106 et seq.**  
     refusal to renew lease, **13:128**  
     substantial obligation, violation of, **13:66, 13:67**  
     withdrawal of unit from rental market, **13:139**  
 Emotional support animals, **13:52**  
**Government Subsidized housing, New York State Programs** (this index)  
 Home occupations, New York City, **13:59 et seq.**  
**HOME Program**, **19:119**  
 Illegal sublets, New York City rent-stabilized tenants, **13:69**  
**Immoral or Illegal Use of Occupancy** (this index)  
 Lease agreements, **4:181, 4:221**  
 Lease-forfeiture provisions, **13:2-13:5**  
 Loan programs, New York City, **19:294**  
**Loan Programs, Federal** (this index)  
 Loft tenants, notice to cure, **13:17**  
 Long-term tenants, owner occupancy, **13:107, 13:113, 13:116, 13:118**  
 Manufactured home park tenants, **13:71**  
**Military Service** (this index)  
 Month-to-month tenancies  
     generally, **13:35-13:39**  
     content of notice, **13:37**

**TERMINATION OF LEASE****—Cont'd**

Month-to-month tenancies—Cont'd  
     defined, **13:35**  
     New York City, procedures, **13:36-13:38**  
     procedures, **13:36-13:39**  
     service, **13:38**  
 New York City loft tenants, notice of terminations, **13:21**  
 New York City rent-stabilization  
     access, refusal to provide, **13:144**  
     demolition, **13:136**  
     non-primary residence, **13:124**  
     nonprofit institutions, **13:132, 13:133**  
     notice of nonrenewal, timing of, **13:24**  
     refusal to renew lease, **13:128**  
     substantial obligation, violation of, **13:68, 13:69**  
     withdrawal of unit from rental market, **13:140**  
 Non-primary residence  
     Emergency Tenant Protection Act tenants, **13:123**  
     evidentiary standard, **13:121, 13:122**  
     New York City rent-stabilized tenants, **13:124**  
     rent-controlled tenants, **13:125, 13:126**  
 Nonprofit institutions  
     Emergency Tenant Protection Act tenants, **13:131**  
     New York City rent-stabilized tenants, **13:132, 13:133**  
     rent-controlled units, **13:134**  
 Non-tenant occupants  
     generally, **13:164-13:169**  
     alternative theories of recovery, **13:168**  
     contents of notice to quit, **13:165-13:168**  
     date of termination, **13:166**  
     ground and facts in support, **13:167**  
     procedure, **13:164**  
     service of notice to quit, **13:169**

## INDEX

### TERMINATION OF LEASE

#### —Cont'd

- Notice of nonrenewal
  - generally, **13:22-13:24**
  - Emergency Tenant Protection Act,
    - timing of notice, **13:23**
  - New York City rent-stabilized tenants, timing of notice, **13:24**
- Notice of terminations
  - generally, **13:18-13:21**
  - contents, **13:19**
  - New York City loft tenants, **13:21**
  - rent-regulated tenancies, **13:20, 13:21**
- Notice to cure
  - generally, **13:13-13:17**
  - combined notice to cure and termination notice, **13:15**
  - Emergency Tenant Protection Act, **13:15, 13:16**
  - loft tenants, **13:17**
  - rent-regulated tenancies, **13:14-13:17**
- Nuisance** (this index)
- Objectionable conduct. **Nuisance** (this index)
- Odor, **13:94**
- Officers and other officials, **13:11**
- Owner occupancy
  - Generally, **13:105 et seq.**
  - Emergency Tenant Protection Act units, **13:106 et seq.**
  - maximum two units recovered, **13:110**
  - non-purchasing tenants, **13:108, 13:112, 13:117**
  - procedure, **13:109, 13:114, 13:119**
  - senior citizens, disabled persons, and long-term tenants, **13:107, 13:113, 13:116, 13:118**
- Parties who may terminate lease
  - generally, **13:8-13:11**
  - attorneys or agents, **13:9, 13:10**
  - landlord or tenant, **13:8**
  - officers and other officials, **13:11**
- Pet restrictions, **13:51, 13:52**
- Power of termination, **13:1-13:6**

### TERMINATION OF LEASE

#### —Cont'd

- Procedure for termination, **13:12-13:29**
- Refusal to renew lease
  - Emergency Tenant Protection Act, **13:128**
  - New York City rent-stabilized tenants, **13:128**
  - rent-controlled tenants, **13:129**
- Rent and Other Charges** (this index)
- Rent-control
  - access, refusal to provide, **13:145**
  - demolition, **13:137, 15:47, 15:62**
  - Department of Housing and Community Renewal filing, **13:27**
  - non-primary residence, **13:125, 13:126**
  - nonprofit institutions, **13:134**
  - refusal to renew lease, **13:129**
  - withdrawal of unit from rental market, **13:141**
- Rent-regulated defaults, conditional limitations, **13:5**
- Rent-regulated tenancies
  - generally, **13:5, 13:6, 13:105 et seq.**
  - access, refusal to provide, above
  - demolition, above
  - Emergency Tenant Protection Act, above
  - New York City rent-stabilization, above
  - non-primary residence, above
  - nonprofit institutions, above
  - owner occupancy, above
  - rent-control, above
  - substantial obligation, violation of, **13:65 et seq.**
  - withdrawal of unit from rental market, below
- Roommates, **3:46, 3:47**
- Satellite dishes, **13:48, 13:49**
- Section 8 Housing Program** (this index)
- Security deposit, furnishing of, **13:55**
- Self-help, **13:7**

**TERMINATION OF LEASE**

—Cont'd

Senior citizens, 2:171, 13:53, 13:107, 13:113, 13:116, 13:118  
Service generally, 13:28  
at-will or at-sufferance tenancies, 13:33  
month-to-month tenancies, 13:38  
non-tenant occupants, notice to quit, 13:169  
Structural vs. non-structural alterations, 13:45-13:48  
Subleases and assignments, 13:56, 13:69  
Substantial obligation, violation of generally, 13:3, 13:40-13:13:67  
access, covenant to provide, 13:43  
alterations, 13:44-13:48  
duplicate key, provision to landlord, 13:50  
Emergency Tenant Protection Act tenants, 13:66, 13:67  
emotional support animals, 13:52  
express and implied substantial obligations, 13:41  
home occupations, New York City, 13:59 *et seq.*  
illegal sublets, New York City rent-stabilized tenants, 13:69  
manufactured home park tenants, 13:71  
New York City rent-stabilized tenants, 13:68, 13:69  
pet restrictions, 13:51, 13:52  
rent, payment of, 13:54  
rent-controlled tenants, 13:70  
rent-regulated tenants, 13:65 *et seq.*  
security deposit, furnishing of, 13:55  
structural vs. non-structural alterations, 13:45-13:48  
subleases and assignments, 13:56, 13:69  
use or occupancy for specified purposes, 13:59 *et seq.*  
washing machine, installation of, 13:63

**TERMINATION OF LEASE**

—Cont'd

Surrender of Possession (this index)  
Washing machine, installation of, 13:63  
Waste (this index)  
"Wholly unusable" premises, 13:64  
Withdrawal of unit from rental market  
Emergency Tenant Protection Act units, 13:139  
New York City rent-stabilized units, 13:140  
rent-controlled units, 13:141

**TERMINATION OF LICENSE**

Generally, 3:28-3:31

**TERM OR DURATION OF LEASE OR TENANCY**

Generally, 2:34-2:42, 4:23-4:25, 4:54-4:68

Automatic renewal, 4:60  
Commencement and expiration dates, 4:56-4:64  
Construction or improvements, commencement upon completion of, 4:57, 4:58  
County property, statutory limits, 4:66  
First refusal rights, rule against perpetuities, 4:64  
Manufactured homes, specified term, 4:25  
New York City, 2:37, 4:24, 4:55  
Nonvested rights, rule against perpetuities, 4:62  
Options and preemptive renewal rights, 4:59, 4:60  
Options to purchase, rule against perpetuities, 4:63, 4:64  
Perpetual leases, 2:38  
Perpetuities, rule against, 4:61-4:64  
Presumption of periodic tenancy if no term stated, 2:35, 2:36  
Regulated tenancies may restrict term, 2:39-2:41  
Religious corporations, statutory limits, 4:68

## INDEX

**TERM OR DURATION OF LEASE OR TENANCY—Cont'd**  
Rent control, statutory tenant under, **2:41**  
Rent-stabilized leases, **2:40**  
School district property, statutory limits, **4:67**  
Statutory limits, **4:65-4:68**  
Statutory tenants, **2:41, 2:42**

**TERRACES**  
Warranty of habitability, **9:75**

**TERRORISM INSURANCE COVERAGE**  
Commercial context, **4:204**

**THEFTS**  
Warranty of habitability, **9:71**

**THIRD PARTY**  
Holdover proceedings, rent tendered pursuant to stipulation, **15:556**  
Nonpayment proceedings, tender of rent by, **14:9, 14:446**

**TIME AND DATE**  
Article 7-A proceedings, service, **16:77**  
Article 78 proceedings, service of petition, **17:145, 17:146**  
Counseling as to alternatives, **1:128**  
Division of Housing and Community Renewal proceedings, time to answer, **17:9**  
Fair Debt Collection Practices Act, communications, **1:171**  
HP proceedings, correction of violations, **16:257, 16:258**  
**Lofts** (this index)  
**Nonpayment Proceedings** (this index)  
Options, **4:303, 4:312-4:314**  
**Petition for Administrative Review** (this index)  
“Poor person” proceedings, jury demand, **16:350**  
Rent and other charges, payment, **6:5-6:7**  
**Rent Control and Rent Stabilization** (this index)

**TIME AND DATE—Cont'd**  
**Statutes of Limitation** (this index)  
**Term or Duration of Lease or Tenancy** (this index)

**TOILETS**  
Rent control and rent stabilization, **11:277**

**TOURIST HOMES**  
Rent control and rent stabilization, **11:67, 11:100**

**TRADE FIXTURES**  
**Fixtures** (this index)

**TRANSCRIPTS**  
Holdover proceedings, trial transcripts, **15:589**  
Nonpayment proceedings, trial transcripts, **14:465**  
“Poor person” proceedings, appeals, **16:353**

**TRANSIENT HOTEL OCCUPANTS**  
Generally, **3:60, 3:62-3:65**

**TRAVERSE HEARING**  
Nonpayment proceedings, **14:260-14:263**

**TREBLE DAMAGES**  
Article 7-A proceedings, overcharges of rent, **16:130**  
**Illegal Evictions** (this index)  
Lofts, rent regulation, **18:107**  
Possession of property, illegal lockouts, **8:39**  
Rent control and rent stabilization, **11:198, 11:358-11:365**

**TRESPASS**  
Environmental liability, **12:161-12:165**  
Premises liability, foreseeability, **12:6, 12:46**

**TRUST ACCOUNT**  
Attorneys' fees, deposit of retainer, **1:76**

**TRUSTEE, BANKRUPTCY**  
**Bankruptcy** (this index)

**TYPE SIZE**

Lease agreements, **4:6**

**TYPES OF TENANCIES**

Generally, **2:95-2:117**

At-will tenancies, **2:110, 2:111**

Automatic stay, tenancies at sufferance, **2:117**

Exclusive right to terminate, at-will tenancies, **2:111**

**Life Estates and Life Occupancies** (this index)

Month to month tenancies, **2:107, 2:113**

Periodic tenancies, **2:112-2:114**

Presumptive periodic tenancies, **2:114**

Subtenant as tenant at sufferance, **2:116**

Sufferance, tenancies at, **2:115-2:117**

Unique characteristics, **2:95**

**Years, Estate or Tenancy for** (this index)

**ULTRA VIRES ACTION**

Article 78 proceedings, **17:133**

**UNAUTHORIZED PRACTICE OF LAW**

Competence of attorney, **1:42-1:44**

**UNCONSCIONABILITY**

Generally, **10:12-10:24**

Assignment, waiver of right to make, **10:21**

Bankruptcy, prohibition of filing, **10:23**

Exculpatory clauses, **10:22**

Fiscal imprudence, **10:16**

Liquidated damages, **10:17**

Procedural unconscionability, **10:14**

Rent regulations, waiver of, **10:24**

Security deposit, waiver of right to have held in trust, **10:19**

Sublease, waiver of right to, **10:21**

Substantive unconscionability, **10:15-10:24**

Waiver of statutory rights, **10:18-10:24**

Warranty of habitability, waiver of, **10:20**

**UNDERGROUND STORAGE**

**TANKS**

Strict liability, leakage of petroleum products, **12:106**

**UNDERTAKINGS**

Article 7-A proceedings, **16:136**

Yellowstone injunctions, **16:208-16:210**

**UNIFORM LAND USE PROCEDURES**

Environmental liability, New York City, **12:158**

**URSTADT LAW**

Rent control and rent stabilization, **11:46**

**USE OF PREMISES**

Generally, **4:170-4:177**

Commercial use clauses, **4:172-4:174**

Illegal use, **4:175-4:177**

Liability of landlord for illegal use, **4:176**

Residential use clauses, **4:171**

Subleases and assignments, **2:149**

Waiver, **4:177, 10:128**

**UTILITY CHARGES**

Generally, **4:83-4:91**

Elimination of shared meter, **4:87-4:89**

Future charges, shared meters, **4:91**

Holdover proceedings defense, failure to provide utilities, **15:376**

Identify party liable, **4:84**

Landlord, defined, **2:18**

Legal impediment or extraordinary cost, elimination of shared meter, **4:88**

Manufactured home parks, **4:85**

October 24, 1991, elimination of shared meter on leases in effect on, **4:89**

Shared meters, **4:86-4:91**

Waste, **10:135**

**VACANCY**

**Rent Control and Rent Stabilization** (this index)

## INDEX

### **VENTILATION**

Warranty of habitability, **9:54**

### **VENUE**

Article 7-A proceedings, **16:69**

Holdover proceedings, **15:89-15:91**

Illegal evictions, **16:399**

Nonpayment proceedings, **14:12-14:14**

**Rent Control and Rent Stabilization** (this index)

Yellowstone injunctions, **16:206**

### **VERIFICATION**

Answer, **15:380**

Article 7-A proceedings, **16:464**

Article 78 proceedings, pleadings, **17:154**

Attorney verification

defects in, **15:459**

form, **15:656**

petition, **15:293**

Corporate verification

form, **15:654**

petition, **15:290**

Defects in verification

generally, **15:457**

attorney verification, **15:459**

notarial errors, **15:458**

Form

generally, **15:288**

attorney verification, **15:656**

corporate verification, **15:654**

individual verification, **15:653**

partnership verification, **15:655**

Governmental verification of petition, **15:292**

**Holdover Proceedings** (this index)

HP proceedings, **16:266, 16:473**

Illegal evictions, **16:483, 16:484,**

**16:487, 16:488**

Individual verification, form, **15:653**

**Nonpayment Proceedings** (this index)

Notarial errors, **15:458**

Partnership verification

form, **15:655**

petitioner, **15:291**

### **VERIFICATION—Cont'd**

Petition in holdover proceeding, generally, **15:287-15:293**

Removal grounds, defective verification, **15:457-15:560**

Who may verify petition, **15:289-15:293**

### **VOUCHER PROGRAM**

Section 8 Housing program, **19:11, 19:22, 19:54**

### **WAITING LIST**

Subleases and assignments, **4:138**

### **WAIVER AND ESTOPPEL**

Acceptance of rent may waive breach, **4:128**

Adult care facilities, senior citizens entering, **13:157**

Article 7-A proceedings, **16:165**

Attorneys' fees and costs, **4:245**

Condition of premises, **10:63, 10:81**

Counseling as to alternatives, pre-termination rent acceptance, **1:133**

**Enforcement of Lease Agreements** (this index)

HP proceedings, court fees, **16:271**

Lead poisoning, **12:91**

**Lease Agreements** (this index)

Lofts, rent regulation, **18:106**

**Nonpayment Proceedings** (this index)

Options, **4:322**

Pet restrictions, **4:194-4:196**

Possession of property, **10:37**

**Premises Liability** (this index)

Rent and other charges, time, place, or method of payment, **6:15**

Rent control and rent stabilization, **11:318**

Section 8 Housing program, termination of tenancies, **19:79**

Security deposits, liability upon conveyance of property, **7:65**

Single room occupancy units (SROs), harassment, **18:227**

Subleases and assignments, **4:127, 4:127-4:132**

**WAIVER AND ESTOPPEL—Cont'd**

Unconscionability, **10:18-10:24**  
 Use of premises, **4:177, 10:128**  
**Warranty of Habitability** (this index)

**WAREHOUSE SALE**

Holdover proceedings, sale of goods to satisfy lien, **15:610**  
 Nonpayment proceedings, sale of goods to satisfy lien, **14:486**

**WAREHOUSE USE**

Maintenance and repairs, tenants in premises formerly used for manufacturing and warehouse purposes protected from harassment, **10:89, 10:90**

**WARNINGS**

Recreational use immunity, **12:196**

**WARRANTS**

**Nonpayment Proceedings** (this index)

**WARRANTY OF HABITABILITY**

Generally, **8:26-8:34, 9:1-9:116, 14:389-14:401**  
 Abatement of rent, **8:31, 9:107, 14:396**  
 Air conditioning, **9:35**  
 Article 7-a proceedings, **9:31, 16:149**  
 Asbestos, **9:36**  
 Attorneys' fees, **8:34, 9:114, 14:396**  
 Bankruptcy trustees, **9:24**  
 Bed bugs, **9:50**  
 Breach of warranty, **8:26-8:34**  
 Burglaries, **9:71**  
 Buzzers, **9:69**  
 Carbon-monoxide detectors, **9:37**  
 Certificate of occupancy, **9:38**  
 City court jurisdiction, **9:87**  
 Code violations, evidence, **9:99**  
 Commercial disputes, **14:400**  
 Commercial tenants, **9:21, 9:22**  
 Common areas, **9:39, 9:40**  
 Common law antecedents, **9:2**  
 Compensatory damages, **8:32**  
 Condition of premises, **4:162**

**WARRANTY OF HABITABILITY**

—Cont'd  
 Conditions constituting breach, **9:34-9:78**  
 Condominium associations and boards of managers, **9:32, 9:33**  
 Condominium owners, **2:135, 9:19, 9:20, 14:401**  
 Construction and maintenance, **9:55, 9:58**  
 Construction by courts, **9:4**  
 Cooperative apartment corporations, **9:25**  
 Cooperative shareholders, **2:135, 9:9**  
 Costs, **9:116**  
 Counterclaims, **9:92, 9:93, 9:111**  
 County Court jurisdiction, **9:85**  
 Creation of tenancy, **2:57-2:59**  
 Damages, **8:30-8:34, 9:103, 9:104, 9:106-9:113**  
 Defensive or offensive application, **9:91-9:94**  
 District court jurisdiction, **9:87**  
 Doorknobs, **9:41**  
 Door locks, security, **9:68**  
 Drug-dealing neighbors, **9:70**  
 Elevator service, **9:42**  
 Evidence  
     generally, **9:98-9:101**  
     code violations, **9:99**  
     governmental records, **9:100**  
     judicial notice, **9:101**  
     public records, **9:101**  
 Exclusivity of possession, **2:30**  
 Exculpatory lease clauses, **9:6**  
 Expert testimony, **9:104**  
 Fire detection equipment, **9:43, 9:73**  
 Floor tiles, **9:44**  
 Fumes, **9:62**  
 Garbage, **9:45**  
 Governmental records, evidence, **9:100**  
 Government-subsidized housing, **9:10**  
 Hall carpets, **9:46**  
 Heat and hot water, **9:47**  
 Holdover tenants, **9:16, 9:94**  
 Illumination, **9:48, 9:54**

## INDEX

### WARRANTY OF HABITABILITY

#### —Cont'd

- Infestation, **9:49, 9:50**
- Injunctive relief, **9:105**
- Interest, **9:115**
- Judicial construction, **9:4**
- Judicial notice, **9:101**
- Jurisdiction
  - generally, **9:83-9:90**
  - County Court, **9:85**
  - district and city courts, **9:87**
  - Justice Court, **9:88**
  - New York City Civil Court, **9:86**
  - New York City Loft Board, **9:89**
  - State Division of Housing and Community Renewal, **9:90**
  - Supreme Court, **9:84**
- Jury waiver clauses, **9:95**
- Justice Court jurisdiction, **9:88**
- Kitchen cabinets, **9:51**
- Labor disputes and strikes, **9:80**
- Lead-based paint, **9:52**
- Leaks, **9:53, 9:72**
- Lease agreements, **4:183, 4:292**
- Legislative history, **9:3**
- Licensees of tenants, **9:15**
- Lights, **9:48, 9:54**
- Locks, **9:68, 9:69**
- Loft building owners, **9:26**
- Loft tenants, **9:11**
- Maintenance and construction, **9:55**
- Manufactured home park owners and operators, **2:158, 9:27**
- Manufactured home tenants, **2:158, 9:12**
- Mechanical equipment, noise from, **9:59**
- Misconduct of tenant, **9:79, 14:394, 14:395**
- Mitigating factors, **9:79, 9:80, 14:393**
- Modification, **9:5-9:7**
- Mold, **9:56**
- Money damages, **9:106-9:113**
- Municipal or governmental lessors, **9:28, 9:29**
- Neighboring tenants, noise from, **9:60**

### WARRANTY OF HABITABILITY

#### —Cont'd

- New York City Civil Court jurisdiction, **9:86**
- New York City Loft Board jurisdiction, **9:89**
- Noise, **9:57-9:61**
- Nominal damages, **9:113**
- Nonpayment Proceedings** (this index)
- Notice of claim against municipal and governmental landlords, **9:29**
- Notice to landlord, pleadings, **9:97**
- Odors, **9:62**
- Offensive or defensive application, **9:91-9:94**
- Out-of-possession tenants, **9:17, 9:18**
- Package-room service, **9:63**
- Paint and painting, **9:52, 9:64**
- Personal injury, damages for, **9:110, 9:111**
- Personal property, damages for, **9:109**
- Persons liable
  - generally, **9:23-9:33**
  - Article 7-a administrators, **9:31**
  - bankruptcy trustees, **9:24**
  - condominium associations and boards of managers, **9:32, 9:33**
  - cooperative apartment corporations, **9:25**
  - loft building owners, **9:26**
  - manufactured home park owners and operators, **9:27**
  - municipal or governmental lessors, **9:28, 9:29**
  - notice of claim against municipal and governmental landlords, **9:29**
  - receivers, **9:30**
- Persons protected
  - generally, **9:8-9:22**
  - commercial tenants, **9:21, 9:22**
  - condominium unit owners, **9:19, 9:20**
  - cooperative shareholders, **9:9**

**WARRANTY OF HABITABILITY****—Cont'd**

Persons protected—Cont'd  
 government-subsidized housing,  
**9:10**  
 holdover tenants, **9:16**  
 licensees of tenants, **9:15**  
 loft tenants, **9:11**  
 manufactured home tenants, **9:12**  
 out-of-possession tenants, **9:17,**  
**9:18**  
 residential tenants and lessees,  
**9:8-9:14**  
 Section 8 tenants, **9:13**  
 subtenants, **9:14**  
 Pest infestation, **9:49, 9:50**  
 Pets, noise from, **9:61**  
 Pleadings, **9:96, 9:97**  
 Plumbing, **9:65**  
 Premises liability, **12:69-12:71**  
 Prior agency determinations, **9:81**  
 Procedure, **9:82-9:101**  
 Public records, evidence, **9:101**  
 Punitive damages, **8:33, 9:112,**  
**14:396**  
 Radiator covers, **9:66**  
 Receivers, **9:30**  
 Remedies  
 generally, **8:30-8:34, 9:102-9:116,**  
**14:396**  
 abatement of rent, **9:107**  
 attorneys' fees, **9:114**  
 costs, **9:116**  
 counterclaims, personal injury,  
**9:111**  
 damages, **9:103, 9:104, 9:106-**  
**9:113**  
 expert testimony, **9:104**  
 injunctive relief, **9:105**  
 interest, **9:115**  
 measurement of damages, **9:103**  
 money damages, **9:106-9:113**  
 nominal damages, **9:113**  
 personal injury, damages for,  
**9:110, 9:111**  
 personal property, damages for,  
**9:109**  
 punitive damages, **9:112**

**WARRANTY OF HABITABILITY****—Cont'd**

Remedies—Cont'd  
 "repair and deduct," **9:108**  
 severance of counterclaims for  
 personal injuries, **9:111**  
 Rent reduction, **14:396**  
**Rent Strikes** (this index)  
 "Repair and deduct," **9:108**  
 Residential tenants and lessees, **8:28,**  
**9:8-9:14**  
 Section 8 tenants, **9:13**  
 Security, **9:67-9:71**  
 Security deposit, refund upon  
 termination of tenancy, **7:23**  
 Severance of counterclaims for  
 personal injuries, **9:111**  
 Sewage leaks and spills, **9:72**  
 Smoke detectors, **9:73**  
 Snow removal from common areas,  
**9:40**  
 Soap dishes, **9:74**  
 Standards applicable, **8:29**  
 State Division of Housing and Com-  
 munity Renewal jurisdiction,  
**9:90**  
 Statute of limitations, **9:82**  
 Stipulations, **9:7**  
**Strikes. Rent Strikes** (this index)  
 Strikes and labor disputes, **9:80,**  
**14:395**  
 Subleases, **14:398, 14:399**  
 Subtenants, **9:14**  
 Supreme Court jurisdiction, **9:84**  
 Terraces, **9:75**  
 Thefts, **9:71**  
 Unconscionability, **10:20**  
 Ventilation, **9:54**  
 Waiver  
 generally, **9:5-9:7**  
 counterclaims, **9:93**  
 jury trial, **9:95**  
 void, **14:390**  
 Water service and leaks, **9:53, 9:76**  
 Window blinds, **9:77**  
 Window guards, **9:78**

## INDEX

**WASHING MACHINES**  
Holdover proceedings grounds, breach of covenant not to install washing machine, **15:30**  
Rent control and rent stabilization, **11:246**  
Termination of lease, **13:63**

**WASTE**  
Generally, **10:129-10:138, 13:149-13:153**  
Alterations not prohibited or consistent with intended use, **10:134**  
Consent of landlord to alteration, **10:136**  
Damages, **10:138, 13:151, 13:152**  
Elements of claim, **10:131**  
Environmental liability, **12:166**  
Establishment of waste, **10:131**  
Evidence, **13:153**  
Forfeiture, **13:151, 13:152**  
Insurance payments, failure to pay, **10:135**  
Lease provision, violation of, **13:150**  
Life tenant, compliance with statutory requirements, **10:134**  
Mortgage payments, failure to pay, **10:135**  
Nonpayment as waste, **10:135**  
Procedure for termination of lease, **13:152**  
Property taxes, failure to pay, **10:135**  
Standing, **10:137, 10:138**  
Utility payments, failure to pay, **10:135**

**WATER POLLUTION CONTROL ACT**  
Generally, **12:142-12:146**  
Discharge of pollutant, defined, **12:143**  
Liability, **12:144-12:146**  
Penalties, **12:146**  
Strict liability, **12:145**

**WATERPROOFING**  
Rent control and rent stabilization, **11:276**

**WATER SERVICE AND LEAKS**  
Warranty of habitability, **9:53, 9:76**

**WHOLE RECORD**  
Article 78 proceedings, **17:139**

**WIFE AND HUSBAND**  
Spouses (this index)

**WILLIAMS CONSENT JUDGMENT**  
Section 8 Housing Program (this index)

**WINDOW BLINDS**  
Warranty of habitability, **9:77**

**WINDOW GUARDS**  
Generally, **12:112-12:115**  
Annual notice to tenants, **12:114**  
Cooperation of tenants, **12:114**  
Penalties for violation, **12:115**  
Rent control and rent stabilization, **11:247**  
Resident of apartment unit, child as, **12:113**  
Warranty of habitability, **9:78**

**WINDOWS**  
Rent control and rent stabilization, **11:278-11:282**

**WITHDRAWAL OF UNIT FROM MARKET**  
Holdover Proceedings (this index)  
Rent Control and Rent Stabilization (this index)  
Termination of Lease (this index)

**WITHHOLDING OF RENTS**  
Article 7-A proceedings, **16:65, 16:66**  
Condition of premises, **10:74**

**WITNESS FEES**  
“Poor person” proceedings, **16:351**

**WRITTEN AGREEMENT**  
Lease Agreements (this index)

**YEARS, ESTATE OR TENANCY FOR**  
Generally, **2:105-2:109**  
Certainty of term, **2:106, 2:107**  
Expiration on stated date, not upon tenant’s death, **2:108, 2:109**

**YEARS, ESTATE OR TENANCY  
FOR—Cont'd**

- One month tenancy vs. month to month tenancy, **2:107**
- Rent controlled tenancy may convert to periodic tenancy after stated term, **2:109**

**YELLOWSTONE INJUNCTIONS**

- Generally, **16:171-16:220**
- Ability of tenant to cure defaults, **16:188-16:190**
- Assignees, **16:174**
- Commercial holdover affords no post-judgment cure, **16:196**
- Conditions imposed by court, **16:207-16:212**
- Content of notice of default, **16:181**
- Demand for rent, **16:192-16:194**
- Denial of injunction, consequences of, **16:213, 16:214**
- Desire of tenant to cure defaults, **16:188-16:190**
- Ejectment actions, post-judgment cure applies to, **16:218**
- Elements, **16:178-16:182**
- Expiration of curative period, **16:185-16:187**
- Extension of notice of cure, **16:182**
- Forms
  - affidavit in support of relief, **16:466**
  - order to show cause, **16:465**
  - summons, **16:467**
  - verification (corporate), **16:470**
  - verification (individual), **16:469**
  - verified complaint, **16:468**
- Historical overview, **16:172**
- Incurable default, **16:183**
- Jurisdiction, Supreme Court, **16:205**
- Multiple notices to cure, **16:215**
- New York City residential tenants generally, **16:216-16:220**
- application of statute, **16:217**
- ejectment actions, post-judgment cure applies to, **16:218**
- residential tenant may still move for Yellowstone relief, **16:219, 16:220**

**YELLOWSTONE INJUNCTIONS**

**—Cont'd**

- Nonpayment of rent generally, **16:191-16:200**
- commercial holdover affords no post-judgment cure, **16:196**
- conditional limitation enforceable within commercial context, **16:197, 16:198**
- conditional limitation unenforceable within residential context, **16:199, 16:200**
- demand for rent, **16:192-16:194**
- post-judgment cure and adequate remedy at law, **16:193, 16:194**
- service of notice to cure as predicate to holdover, **16:195-16:200**
- Notice of default has issued, **16:180-16:183**
- Papers in support of motion, **16:202**
- Parties who may seek relief, **16:173-16:176**
- Personal service of application, **16:204**
- Post-judgment cure and adequate remedy at law, **16:193, 16:194**
- Procedure, **16:201-16:206**
- Residential tenants, **16:175**
- Res judicata, denial of injunction, **16:214**
- Service of application, **16:203-16:205**
- Service of notice to cure as predicate to holdover, **16:195-16:200**
- Standards applicable, **16:177-16:190**
- Sublessors and sublessees, **16:176**
- Timeliness of application, **16:184-16:190**
- Undertakings, **16:208-16:210**
- Use and occupancy, payment of, **16:211, 16:212**
- Validity of lease, **16:179**
- Venue, **16:206**

**ZONING**

- Generally, **5:189-5:191**
- Action by developers, **5:204**

## INDEX

### **ZONING—Cont'd**

Balance required within municipality as a whole, **5:190**  
Civil Rights Act of 1866, **5:56**  
Exclusionary zoning, **5:189-5:191**  
Fair Housing Act, exclusionary zoning, **5:36**

### **ZONING—Cont'd**

Family or marital status discrimination, exclusionary zoning, **5:160**  
Human Rights Law (NY), exclusionary zoning, **5:82**  
Test for determining validity of zoning ordinance, **5:191**